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# LEGISLATIVE MANUAL AND FORM BOOK

CALIFORNIA



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# **Legislative Manual**

**AND**

# **Form Book**

**Prepared for the use of the California Legislature**

**by CLIFTON E. BROOKS, M. A.**

**of the Oakland Bar, Secretary of the Senate  
Teaching Fellow in Political Science at the University  
of California**

**RECODER PRINTING AND PUBLISHING COMPANY**

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## **INTRODUCTION.**

A rough skeleton of this book was originally prepared for the use of the Assistant Minute Clerks, but it was suggested that it would be of value to the other attaches and to the members of the Legislature as well, if put into shape suitable for their use. There has been no thought in undertaking this task to compete with any of the standard works on this subject, but to supplement these and bridge a gap which is all too apparent to those who have undertaken to find assistance in this direction.

The chief object has been to visualize or illustrate in concrete form the practical application of the rules of the two houses of the California Legislature with the addition of the more important constitutional and code provisions. It is also intended to standardize the language of the Journals. Furthermore, all attaches who prepare matter which is to be printed in the Journals, can have a readily available guide. Finally, many of the *little things which count* are gathered together for the assistance of those who undertake the task of bill-drafting.

It has been the object to do all of these things as thoroughly and as completely as is possible and in keeping with the traditional parliamentary usages and customs.

**CLIFTON E. BROOKS.**

SACRAMENTO, CALIFORNIA,

February 27, 1915.

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## **ACKNOWLEDGMENT.**

This little book would be very incomplete without an acknowledgment of the painstaking and kindly assistance of Edwin F. Smith, former Secretary of the Senate, whose experience and extensive knowledge of legislative matters has been ever at my disposal.

C<sup>L</sup>IFTON E. BROOKS.

## PREFACE.

### Explaining Status of Sections of the Codes Which Prescribe Limitations on the Powers of the Legislature.

It was undoubtedly the intention of the framers of the Constitution that the power of the Legislature should be limited only by the Constitution. This is shown by many instances, but the most patent of these is probably the one which prescribes that the Legislature shall be the sole judge of the election and qualifications of its own members. Under this provision it would be possible for the Legislature to disqualify a member on grounds which would be held insufficient in a court of law, but from such action on the part of the Legislature there would be no appeal.

Consequently, no session of the Legislature can prescribe a limitation on the powers of a subsequent session. In view of this fact, the code provisions affecting subjects which are germane to the work of the Legislature cannot be regarded as otherwise than directory even though terms are employed which are distinctly mandatory. In other words, the Legislature, to the extent that it observes provisions of the codes, may be said to do so only by sufferance.

Were this not a fact, it might be possible to question the validity of many of our general laws on account of the omission to have them codified in accordance with the provisions of sections 249 and 250 of the Political Code which are found in sections 208 and 209 of this book. These code provisions are in conflict with the provision of the Constitution that "each house shall determine the rule of its proceeding" and in actual practice are not observed by either house.

N. W. THOMPSON,

President pro tem. of Senate, Forty-first Session.

## **BIBLIOGRAPHY.**

- 1. Journals of Senate and Assembly.**
- 2. Rules of the Senate.**
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#### SECTION 1.

##### NUMBER AND DESIGNATION OF MEMBERS.

The Legislature consists of

- 1. Forty senators; and,
- 2. Eighty members of the Assembly. (*Political Code*, sec. 225.)

**SEC. 2.****TERM OF OFFICE OF MEMBERS.**

The term of office of a senator is four years; of a member of the Assembly, two years. (*Political Code*, sec. 226.)

**SEC. 3.****SESSIONS OF THE LEGISLATURE.**

The sessions of the Legislature shall be biennial, unless the Governor shall, in the interim, convene the Legislature, by proclamation, in extraordinary session. All sessions, other than extraordinary, shall commence at twelve o'clock m., on the first Monday after the first day of January next succeeding the election of its members, and shall continue in session for a period not exceeding thirty days thereafter; whereupon a recess of both Houses must be taken for not less than thirty days. On the reassembling of the Legislature, no bill shall be introduced in either House without the consent of three-fourths of the members thereof, nor shall more than two bills be introduced by any one member after such reassembling. (*Constitution*, art. IV, sec. 2.)

**SEC. 4.****TIME AND PLACE OF MEETING OF LEGISLATURE.**

The Legislature shall assemble at the seat of government at twelve o'clock m., on the first Monday after the first day of January, eighteen hundred and eighty-one, and on the first Monday after the first day of January every two years thereafter. (*Political Code*, sec. 235.)

**SEC. 5.****TRANSMISSION AND PUBLICATION OF ELECTION RETURNS.**

The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in the presence of both Houses of the Legislature. The person having the highest number of votes shall be Governor; but in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both Houses, choose one of such persons so having an equal and the highest number of votes for Governor. (*Constitution*, art. V, sec. 4.)

**SEC. 6.****CERTIFICATE OF ELECTION EVIDENCE OF RIGHT TO SEAT.**

The certificate of election is *prima facie* evidence of the right to membership. (*Political Code*, sec. 236.)

**SEC. 7.****ORGANIZATION OF THE LEGISLATURE.**

Each house shall choose its officers and judge of the qualifications, elections and returns of its members. (*Constitution*, art. IV, sec. 7.)

**SEC. 8.****TEMPORARY OFFICERS OF THE SENATE AND ASSEMBLY.**

The Secretary of the Senate, and the Clerk of the Assembly, the Minute Clerks and Sergeant-at-Arms of each House, for any session, must, at the next succeeding session of the body, perform the duties of their offices until their successors are elected and qualified. Said officers, and no others, shall be allowed mileage. The Secretary of the Senate may appoint a postmaster, three gatekeepers, and three pages. The Chief Clerk of the Assembly may appoint a postmaster, three gatekeepers, and three pages. The Sergeant-at-arms of the Senate and of the Assembly may each appoint an Assistant Sergeant-at-Arms. There shall be no other officers or employees of either House until the permanent organization is completed. Such officers shall serve only until said permanent organization is completed. (*Political Code*, sec. 237.)

**SEC. 9.****ORGANIZATION OF SENATE.**

At the hour of twelve o'clock m., on the day appointed for the meeting of any regular session of the Legislature, the President of the Senate, or in case of his absence or inability, then the senior member present, must take the chair, call the members and members-elect to order, and then cause the Secretary to call over the senatorial districts, in their order, from which members have been elected at the preceding election, and as the same are called the members-elect must present their certificates, take the constitutional oath of office, and assume their seats. The Senate may thereupon, if a quorum is present, proceed to elect its officers. (*Political Code*, sec. 238.)

**SEC. 10.****ORGANIZATION OF ASSEMBLY.**

At the time specified in section two hundred and thirty-eight the Clerk of the Assembly, or in case of his absence or inability, then the senior member-elect present, must take the chair, call the members-elect to order, and then call over the roll of counties in alphabetical order, and as the same are called the members-elect must present their certificates, take the constitutional oath of office, and assume their seats. The Assembly may thereupon, if a quorum is present, proceed to elect its officers. (*Political Code*, sec. 239.)

**SEC. 11.****OATH OF OFFICE.**

Members of the Legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath of office:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of

the State of California, and that I will faithfully discharge the duties of the office of.....according to the best of my ability."

And no other oath, declaration, or test shall be required as a qualification for any office or public trust. (*Constitution, art. XX, sec. 3, and Political Code, sec. 904.*)

**SEC. 12.**

**OATH OF GOVERNOR AND LIEUTENANT GOVERNOR.**

The Governor and Lieutenant Governor must take the official oath in the presence of both Houses of the Legislature, in convention assembled, and an entry of the fact must be made upon the journals of each House. (*Political Code, sec. 905.*)

**SEC. 13.**

**OATH OF MEMBERS OF LEGISLATURE.**

Members of the Legislature may take the oath of office at any time during the term for which they were elected. (*Political Code, sec. 906.*)

**SEC. 14.**

**OATH TO BE ENTERED ON JOURNALS.**

An entry of the oath taken by members of the Legislature must be made on the journals of the proper House. (*Political Code, sec. 240.*)

**SEC. 15.**

**OFFICERS OF THE SENATE.**

The officers and employees of the Senate shall consist of a president, a president pro tem., a secretary, three assistant secretaries (who shall be appointed by the secretary, by and with the advice and consent of the Senate), one assistant at the desk, one sergeant-at-arms, one assistant sergeant-at-arms, one assistant sergeant-at-arms for the finance committee, one assistant sergeant-at-arms for the judiciary committee, one assistant sergeant-at-arms to be assigned by the sergeant-at-arms to any committee requiring the same, one bookkeeper for the sergeant-at-arms (who shall be appointed by the sergeant-at-arms, by and with the advice and consent of the Senate), one minute clerk, three assistant minute clerks, one journal clerk, two assistant journal clerks, one engrossing and enrolling clerk, three assistant engrossing and enrolling clerks, two assistant engrossing and enrolling clerks (said two to be elected on the thirtieth day of the session), one history clerk, one assistant history clerk, three bill filers, four bill clerks, a chaplain, one postmaster, one assistant postmaster, two mail carriers (who shall be mailing and folding clerks), one page to the president of the Senate, four pages, three gatekeepers, one doorkeeper, one gallery doorkeeper, two messengers to state printer, one cloakroom clerk, five skilled stenographers (who shall be typewriters, and who shall be at the service of the Senate, its members and committees, and under the supervision of the secretary of the senate, one stenographer

for the finance committee, one stenographer for the judiciary committee, six porters, one rear porter, three watchmen, one janitress for ladies' cloakroom, two press mailing clerks; and only such other officers or employees as the Senate by a three-fifths vote of all the members-elect shall deem necessary. Any officer or employee appointed or elected under the provisions of this section may at any time be removed by the Senate. (*Political Code, sec. 245.*)

**SEC. 16.****OFFICERS OF THE ASSEMBLY.**

The officers and employees of the Assembly shall consist of a speaker, a speaker pro tem., one chief clerk, four assistant clerks (who shall be appointed by the chief clerk, by and with the advice and consent of the Assembly), one sergeant-at-arms, one assistant sergeant-at-arms, one clerk for the sergeant-at-arms, one bookkeeper to the sergeant-at-arms (said bookkeeper to be appointed by the sergeant-at-arms, by and with the advice and consent of the Assembly), one minute clerk, two assistant minute clerks, one journal clerk, one assistant journal clerk, one engrossing and enrolling clerk, two assistant engrossing and enrolling clerks, and two additional assistant engrossing and enrolling clerks (said last two to be elected on the thirtieth day of the session), one file clerk to keep the files, four bill filers, one chaplain, one postmaster, one assistant postmaster, one mail carrier (who shall be mailing and folding clerk), one page to speaker, six pages, three gatekeepers, one door-keeper, one gallery doorkeeper, one messenger to printer, one history clerk, one bill clerk, four assistant bill clerks, thirty committee clerks (to be assigned to committees actually requiring the use of a clerk), six skilled stenographers (who shall be typewriters, and who shall be at the service of the Assembly, its members and its committees, under the supervision of the Chief Clerk), five porters, three watchmen, one fireman, one sergeant-at-arms for the ways and means committee, one sergeant-at-arms for the judiciary committee, one engineer, one electrician, one janitress, and one elevator attendant; and only such other officers or employees as the Assembly by a three-fifths vote of all the members-elect shall deem necessary. Any officer or employee appointed or elected under the provisions of this section may at any time be removed by the Assembly. (*Political Code, sec. 246.*)

**SEC. 17.****ELECTIONS AND APPOINTMENTS BY THE LEGISLATURE.**

All officers and employees of the Legislature, except the President of the Senate, porters and pages, must be elected by the House to which such officers and employees are attached. The porters and pages shall be appointed by the presiding officers of their respective Houses. (*Political Code, sec. 247.*)

**SEC. 18.****WHAT OFFICERS OF LEGISLATURE MAY ADMINISTER OATHS.**

The President and President pro tem. of the Senate, and the Speaker and Speaker pro tem. of the Assembly, may administer the oath of office to any Senator or Assemblyman, and to the officers of their respective bodies. The members of any committee may administer oaths to witnesses in any matter under examination. (*Political Code, sec. 252.*)

**SEC. 19.****WHAT NUMBER CONSTITUTES A QUORUM.**

A majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner, and under such penalties, as each House shall provide. (*Constitution, art. IV, sec. 8.*)

**SEC. 20.****RULES FOR GOVERNMENT OF THE LEGISLATURE.**

Each House shall determine the rules for its proceedings and may, with the concurrence of two-thirds of all the members elected, expel a member. (*Constitution, art. IV, sec. 9.*)

**SEC. 21.****ADJOURNMENT FROM DAY TO DAY.**

Neither House shall, without the consent of the other, adjourn for more than three days, nor to any place other than that in which they may be sitting. Nor shall the members of either House draw pay for any recess or adjournment for a longer time than three days. (*Constitution, art. IV, sec. 14.*)

**SEC. 22.****ADJOURNMENT FOR CONSTITUTIONAL RECESS AND SINE DIE.**

Adjournment for the constitutional recess and adjournment *sine die* shall be made only by concurrent resolution; and the resolution for adjournment *sine die* shall be passed by both Houses at least 28 days before the date of such adjournment. (*Joint Rule No. 46.*)

**SEC. 23.****HOUR OF MEETING OF LEGISLATURE.**

The sessions of the House shall be daily (Sundays excepted) beginning at nine o'clock and thirty minutes a.m. After the constitutional recess, a recess shall be taken daily at the hour of twelve o'clock noon until the hour of one o'clock and thirty minutes p.m., unless otherwise ordered by a vote of the House. (*Assembly Rule No. 1.*) The Senate rule is identical except that the hour of convening is fixed at ten o'clock and the noon recess is from twelve thirty to two o'clock p.m. (*Senate Rule No. 1.*)

**SEC. 24.****HOUSE CALLED TO ORDER BY SPEAKER.**

The Speaker, or, in his absence, the Speaker pro tem., shall take the chair precisely at the hour appointed for meeting, and shall immediately call the House to order. In the absence of both the Speaker and Speaker pro tem., the Chief Clerk, or an assistant, shall call the House to order, whereupon a Chairman shall be elected from among the members to preside. (*Assembly Rule No. 2.*)

**SEC. 25.****SENATE CALLED TO ORDER BY PRESIDENT.**

The President, President pro tem., or senior member present, shall call the Senate to order at the hour stated, and if a quorum be present proceed with the order of business. (*Senate Rule No. 2.*)

**SEC. 26.**

(Form.)

**ORGANIZATION OF SENATE.<sup>1</sup>**

**SENATE<sup>1</sup> CHAMBER, SACRAMENTO,  
Monday, January 4, 1915.**

The hour of twelve o'clock m. having arrived, Hon. ...., Lieutenant Governor and President of the Senate,<sup>2</sup> called the Senators and Senators-elect<sup>3</sup> to order, and announced that the ..... session of the Legislature of the State of California was about to convene, and informed the Senators<sup>3</sup> that the following officers of the Senate<sup>1</sup> during the ..... session of the Legislature were in their respective places in the Senate Chamber, as required by section 237 of the Political Code: ..... , Secretary<sup>2</sup>; ..... , Minute Clerk, and ..... , Sergeant-at-Arms.

**PRAYER.**

By invitation of the President,<sup>2</sup> prayer was then offered by the Rev. ..... of .....

**CERTIFICATE FROM SECRETARY OF STATE.**

By direction of the President<sup>2</sup> the Secretary<sup>4</sup> read the following certificate of duly elected Senators<sup>7</sup> of the ..... session of the Legislature of the State of California:

(Certificate.)

.....  
Certificate read.**RESOLUTION.**

The following resolution was offered:

By Senator<sup>5</sup> ..... :

*Resolved*, That the<sup>6</sup> hold-over Senators take their seats, and that the<sup>6</sup> Senators-elect<sup>3</sup> proceed to the bar of the Senate<sup>1</sup> and take their oath of office on the certificate furnished by the Secretary of State.

Resolution read and on motion of Senator<sup>6</sup> ..... adopted.

<sup>6</sup>The President directed the Secretary to call the roll of hold-over Senators.

## ROLL CALL OF HOLD-OVER SENATORS.

The roll was called, and the following answered to their names:  
 Senators—....., etc.

Whereupon the President announced that the roll call had disclosed the presence of ..... Senators.

The President directed the Secretary to call the roll of Senators-elect<sup>9</sup>:

ROLL CALL OF SENATORS-ELECT.<sup>3</sup>

The Secretary<sup>2</sup> called the roll of Senators-elect,<sup>3</sup> and the following answered to their names:

Messrs. ....

Whereupon the President<sup>2</sup> announced that the roll call had disclosed the presence of ..... Senators-elect<sup>3</sup>.

The President<sup>2</sup> requested the Senators-elect<sup>3</sup> to immediately present themselves at the bar of the Senate<sup>1</sup> in order that the oath of office might be administered to them, and that they might subscribe to the same.

## OATH OF OFFICE ADMINISTERED.

The ..... members-elect, as their respective districts<sup>4</sup> were called, then came forward, presented their certificates of election, and each took and subscribed to the following constitutional oath of office, administered by the Hon. ..... Lieutenant Governor, and President of the Senate<sup>10</sup>:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Senator,<sup>11</sup> according to the best of my ability.

## ROLL CALL.

The President<sup>12</sup> called the Senate to order and directed the Secretary to call the roll.

The roll was called, and the following answered to their names:  
 Senators .....

Whereupon the President<sup>2</sup> announced their qualification, and declared that a quorum of all the Senators<sup>7</sup> was present.

APPOINTMENTS BY SECRETARY.<sup>2</sup>

The Secretary<sup>2</sup> of the Senate<sup>1</sup> announced that by virtue of the authority vested in him by section 237<sup>20</sup> of the Political Code, he had made the following appointments of attaches for the temporary organization of the Senate:

Postmistress—.....  
 Pages—.....

## APPOINTMENTS BY SERGEANT-AT-ARMS.

The Sergeant-at-Arms of the Senate<sup>1</sup> announced by virtue of the authority vested in him by section 237<sup>20</sup> of the Political Code, that he had made the following appointment of attache for the temporary organization of the Senate:

Assistant Sergeant-at-Arms—.....

## TEMPORARY ORGANIZATION EFFECTED.

Temporary organization having been effected, the President<sup>2</sup> put the question, "What is the pleasure of the Senate<sup>1</sup>?"

## RESOLUTION.

The following resolution was offered:

By Senator<sup>5</sup> .....

*Resolved*, That the Senate do now proceed to the election of the following statutory officers in the order named:

President pro tem.; } <sup>13</sup>  
 Secretary of the Senate; }  
 Sergeant-at-Arms;  
 Minute Clerk; and  
 Chaplain.

Resolution read and on motion of Senator<sup>5</sup> ..... adopted.

NOMINATIONS FOR AND ELECTION OF PRESIDENT PRO TEM.<sup>14</sup> OF THE SENATE.<sup>1</sup>

The President<sup>2</sup> thereupon declared nominations for the office of President pro tem.<sup>14</sup> of the Senate<sup>1</sup> in order.

Senator<sup>5</sup> ..... placed in nomination for the office of President pro tem.<sup>14</sup> of the Senate<sup>1</sup> the Hon. .... of ..... County, Senator<sup>11</sup> from the ..... District.

Senator<sup>5</sup> ..... seconded the nomination of Senator<sup>5</sup> .....  
 (Same form for each nomination for President pro tem.)

The President<sup>2</sup> put the question, "Are there any other nominations for President pro tem.<sup>14</sup> of the Senate<sup>1</sup>?"

There being no response, the nominations were declared closed.

The roll was called with the following result:

(Roll to be called until one of the nominees receives a majority vote.)

For Hon. .... —Senators<sup>5</sup> .....

For Hon. .... —Senators<sup>5</sup> .....

Whereupon the President<sup>2</sup> announced that Senator<sup>5</sup> ..... having received a majority of all of the votes cast was declared duly elected President pro tem.<sup>14</sup> of the Senate<sup>1</sup> for the ..... session of the California Legislature.<sup>15</sup>

PRESENTATION OF PRESIDENT<sup>14</sup> PRO TEM.

Lieutenant Governor....., President of the Senate,<sup>17</sup> then presented to the Senate<sup>1</sup> Hon. ...., President<sup>14</sup> pro tem. of the Senate.<sup>1</sup>

NOMINATION FOR AND ELECTION OF SECRETARY<sup>2</sup> OF THE SENATE.<sup>1</sup>

The President<sup>14</sup> declared nominations for Secretary<sup>2</sup> of the Senate<sup>1</sup> in order.

Senator..... placed in nomination for Secretary<sup>2</sup> of the Senate<sup>1</sup> ..... of ..... County.

Senators..... and ..... seconded the nomination of ..... for Secretary<sup>2</sup> of the Senate.<sup>1</sup>  
 (Same form for additional nominations.)

The President<sup>14</sup> put the question, "Are there any further nominations for the office of Secretary<sup>2</sup> of the Senate<sup>1</sup>?"

There being no response, nominations were declared closed.

The President<sup>14</sup> directed the Secretary<sup>2</sup> to call the roll.

The roll was called, with the following result:

For..... —Senators<sup>5</sup> .....

For..... —Senators<sup>5</sup> .....

Whereupon the President<sup>14</sup> declared.....having received a majority of all of the votes cast was duly elected Secretary<sup>2</sup> of the Senate.<sup>1</sup>

NOMINATION FOR AND ELECTION OF SERGEANT-AT-ARMS.

The President<sup>14</sup> declared nominations for the office of Sergeant-at-Arms of the Senate<sup>1</sup> in order.

Senator<sup>5</sup>.....placed in nomination for Sergeant-at-Arms of the Senate<sup>1</sup>.....of.....County.

Senator<sup>5</sup>.....seconded the nomination of.....for Sergeant-at-Arms.

(Same form for additional nominations.)

The President<sup>14</sup> put the question, "Are there any further nominations for the office of Sergeant-at-Arms of the Senate<sup>1</sup>?"

There being no response, nominations were declared closed.

The President<sup>14</sup> directed the Secretary<sup>2</sup> to call the roll.

The roll was called, with the following result:

*For*.....—Senators<sup>6</sup>.....  
*For*.....—Senators<sup>6</sup>.....

Whereupon the President<sup>14</sup> declared.....having received a majority of all of the votes cast was duly elected Sergeant-at-Arms of the Senate.<sup>1</sup>

NOMINATION FOR AND ELECTION OF MINUTE CLERK OF THE SENATE.<sup>1</sup>

The President<sup>14</sup> declared nominations for Minute Clerk of the Senate<sup>1</sup> in order.

Senator<sup>5</sup>.....placed in nomination for Minute Clerk of the Senate<sup>1</sup>.....of.....County.

Senator<sup>5</sup>.....seconded the nomination of.....for Minute Clerk.

(Same form for additional nominations.)

The President<sup>14</sup> put the question, "Are there any other nominations for the office of Minute Clerk of the Senate<sup>1</sup>?"

There being no response, nominations were declared closed.

The President<sup>14</sup> directed the Secretary<sup>2</sup> to call the roll.

The roll was called, with the following result:

*For*.....—Senators<sup>6</sup>.....  
*For*.....—Senators<sup>6</sup>.....

Whereupon the President<sup>14</sup> declared.....having received a majority of all of the votes cast was duly elected Minute Clerk of the Senate.<sup>1</sup>

NOMINATION FOR AND ELECTION OF CHAPLAIN.

The President<sup>14</sup> declared nominations for the office of Chaplain of the Senate<sup>1</sup> in order.

Senator<sup>5</sup>.....placed in nomination for Chaplain of the Senate<sup>1</sup> Rev.....of.....County.

Senator<sup>5</sup>.....seconded the nomination of Rev.....for Chaplain.

(Same form for additional nominations.)

The President<sup>14</sup> put the question, "Are there any further nominations for the office of Chaplain of the Senate<sup>1</sup>?"

There being no response, the nominations were declared closed.

The President<sup>14</sup> directed the Secretary<sup>2</sup> to call the roll.

The roll was called, with the following result:

*For Rev. .... —Senators<sup>6</sup>.....*  
*For Rev. .... —Senators<sup>6</sup>.....*

Whereupon the President<sup>14</sup> declared Rev. .... having received a majority of all of the votes cast was duly elected Chaplain of the Senate.<sup>1</sup>

#### OATH OF OFFICE ADMINISTERED.

The newly elected officers of the Senate,<sup>1</sup> ..... , Secretary,<sup>2</sup> ..... , Sergeant-at-Arms, ..... , Minute Clerk, and Rev. .... , Chaplain, appeared at the bar of the Senate<sup>1</sup> where the constitutional oath of office was administered to them by Lieutenant Governor..... , President of the Senate,<sup>17</sup> and they subscribed to the same.

#### RESOLUTION.

The following resolution was offered:

By Senator<sup>5</sup> ..... :

*Resolved*, That the standing rules of the Senate<sup>1</sup> of the ..... session of the Legislature of the State of California be and they are hereby adopted as the temporary rules of the Senate<sup>1</sup> of the ..... session excepting [such rules as may conflict with temporary organization].

Resolution read and on motion of Senator<sup>5</sup> ..... adopted.

#### TEMPORARY RULES OF THE SENATE.<sup>1</sup>

Rule 1, etc.

#### RESOLUTION.

The following resolution was offered:

By Senator<sup>5</sup> ..... :

*Resolved*, That the Secretary<sup>2</sup> of the Senate<sup>1</sup> is hereby directed to notify the Assembly<sup>16</sup> that the Senate<sup>1</sup> is now duly organized and ready to proceed with the business of the State, having elected the following statutory officers:

President pro tem.—.....	{ 18
Secretary of Senate—.....	
Sergeant-at-Arms—.....	

Minute Clerk—.....  
Chaplain—.....

Resolution read and on motion of Senator<sup>5</sup> ..... , adopted.

#### RESOLUTION.

The following resolution was offered:

By Senator<sup>5</sup> ..... :

*Resolved*, That the President<sup>14</sup> of the Senate<sup>1</sup> appoint a special committee of three to notify the Governor of the organization of the Senate,<sup>1</sup> and that the Senate<sup>1</sup> is now ready to receive any communication he may desire to transmit.

Resolution read and on motion of Senator<sup>5</sup> ..... , adopted.

#### APPOINTMENT OF SPECIAL COMMITTEE.

The President announced the appointment of Senators<sup>5</sup> ..... , and ..... as the special committee to call upon the Governor and notify him of the organization of the Senate<sup>1</sup> and its readiness to receive his communications.

APPOINTMENT BY SECRETARY.<sup>2</sup>

The following communication was received and read:

MR. PRESIDENT<sup>14</sup>: I beg leave to report that I have this day appointed Assistant Secretary<sup>2</sup> and Clerk of Committee on Printing at a per diem of \$9.00, and respectfully ask the consent of the Senate thereto. Secretary<sup>2</sup> of Senate.<sup>1</sup>

Senator<sup>5</sup>..... moved that the appointment be confirmed by the Senate.<sup>1</sup>

The question being on the confirmation of the appointment.

The roll was called, and the appointment confirmed<sup>21</sup> by the following vote:

AYES—Senators .....

.....

NOES—.....

INTRODUCTION OF CONCURRENT RESOLUTION.<sup>19</sup>

The following concurrent resolution was offered:

By Senator..... : Senate Concurrent Resolution No. 1.—Relative to inaugural ceremonies.

*Resolved by the Senate, the Assembly concurring,* That a committee of three members of the Senate be appointed to confer with a committee of four members of the Assembly to make arrangements for the inaugural ceremonies, said committee to be appointed by the President of the Senate and the Speaker of the Assembly, respectively, and to have full power to act in the premises; any expense to be paid equally by the Senate and Assembly out of the several contingent funds, and not to exceed in the aggregate the sum of five hundred dollars.

Resolution read.

Senator..... moved that the resolution be considered without reference to committee.

Motion carried.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 1 adopted by the following vote:

AYES—Senators .....

.....

NOES—.....

Senate Concurrent Resolution No. 1 ordered engrossed and transmitted to the Assembly.

## RECESS.

At.....o'clock and .....minutes p. m., on motion of Senator<sup>5</sup>....., the President<sup>14</sup> declared the Senate<sup>1</sup> at recess until.....o'clock and .....minutes p.m.

## RECONVENED.

At.....o'clock and .....minutes p.m. the Senate<sup>1</sup> reconvened.

Lieutenant Governor....., President of the Senate,<sup>17</sup> in the chair.

## REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

SENATE<sup>1</sup> CHAMBER, SACRAMENTO, January 4, 1915.

MR. PRESIDENT: Your special committee appointed to notify the Governor of the organization of the Senate<sup>1</sup> and that the Senate<sup>1</sup> is now ready to receive any communication he may desire to transmit, respectfully reports that they have communicated with the Governor as directed, and that his Excellency notified the committee that the biennial message would be presented to the Senate<sup>1</sup> on the convening of this body....., 19.....

.....,

.....,

....., Committee.

MESSAGES FROM THE ASSEMBLY.<sup>16</sup>

The following messages from the Assembly<sup>16</sup> were received and read:

ASSEMBLY<sup>16</sup> CHAMBER, SACRAMENTO, January ..., 19.....

MR. PRESIDENT<sup>14</sup>: I am directed to inform your honorable body that the Assembly<sup>16</sup> is now duly organized and ready to proceed with the business of the State, having elected the following statutory officers:

Speaker—	.....	}	18
Speaker pro tem. —	.....		
Chief Clerk—	.....		
Sergeant-at-Arms—	.....		
Minute Clerk—	.....		

Chaplain—....., Chief Clerk of Assembly.  
By....., Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 4, 1915.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 1—Relative to inaugural ceremonies.

....., Chief Clerk of Assembly.  
By....., Assistant Clerk.

Senate Concurrent Resolution No. 1 ordered to enrollment.

## APPOINTMENT OF SPECIAL COMMITTEE.

The President<sup>14</sup> announced the appointment of Senators<sup>5</sup>....., ..... and ..... as the special committee to act in conjunction with a like committee from the Assembly<sup>16</sup> on inaugural ceremonies, as directed by Senate Concurrent Resolution No. 1.

## ADJOURNMENT.

At.....o'clock and.....minutes p.m., on motion of Senator<sup>5</sup>....., the President<sup>14</sup> declared the Senate<sup>1</sup> adjourned.

## EXPLANATORY NOTE.

In the Assembly make the following substitutions:

<sup>1</sup>Assembly.

<sup>2</sup>Chief Clerk.

<sup>3</sup>Members-elect.

<sup>4</sup>Counties.

<sup>5</sup>Mr. or Messrs.

<sup>c</sup>The Chief Clerk then read (etc.).

<sup>7</sup>Assemblymen.

<sup>8</sup>Omit from 8 to 9.

<sup>10</sup>Judge of the Superior Court or other officer.

<sup>11</sup>Member of the Assembly.

<sup>12</sup>The Chief Clerk called the Assembly to order and proceeded to call the roll.

<sup>13</sup>Speaker, Speaker pro tem., Chief Clerk.

<sup>14</sup>Speaker or Speaker pro tem.

<sup>15</sup>APPOINTMENT OF COMMITTEE OF ESCORT. The Chief Clerk then appointed Messrs. ...., ...., and .... a special committee to escort the newly elected Speaker to the Chair.

SPEAKER IN THE CHAIR. At ..... o'clock and ..... minutes .....m., Hon. ...., Speaker of the Assembly, in the Chair.

<sup>16</sup>Senate.

<sup>17</sup>Hon. ...., Speaker of the Assembly.

<sup>18</sup>President pro tem., Secretary, etc.

<sup>19</sup>MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 4, 1915.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

Senate Concurrent Resolution No. 1, relative to inaugural ceremonies.

....., Secretary of Senate.

By....., Assistant Secretary.

Resolution read.

Mr..... moved that the resolution be considered without reference to committee.

Motion carried.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 1 adopted by the following vote:

AYES—Messrs. ...., ...., etc.—77.

NOES—None.

Senate Concurrent Resolution No. 1 ordered transmitted to the Senate.

<sup>20</sup>See section 10 of this volume.

<sup>21</sup>Or refused confirmation.

#### SEC. 27.

(Form.)

#### SECOND DAY (WHEN THERE HAS BEEN A GUBERNATORIAL ELECTION).

(Convening as usual.)

#### <sup>5</sup>MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 5, 1915.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 1—Referring to canvassing vote for Governor and Lieutenant Governor.

....., Chief Clerk of Assembly.

By....., Assistant Clerk.

#### ASSEMBLY CONCURRENT RESOLUTION NO. 1.

*Resolved by the Assembly, the Senate concurring,* That the Senate and Assembly meet in joint session in the Assembly Chamber at two o'clock in the afternoon of this day, ...., for the purpose of being present when the Speaker of the Assembly shall open and publish the returns of the election for Governor and Lieutenant Governor, as provided and required by article V, section 4, of the Constitution of the State of California.

Resolution read.

Senator..... moved that the resolution be considered without reference to committee.

Motion carried.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 1 adopted by the following vote:

AYES—Senators' ...., ...., etc.

NOES—.....

Assembly Concurrent Resolution No. 1 ordered transmitted to the Assembly.

## RESOLUTIONS.

The following resolutions were offered:

By Senator<sup>1</sup>.....:

*Resolved*, That a special committee of three be appointed on contingent expenses and mileage.

Resolution read and on motion of Senator<sup>1</sup>....., adopted.

Also:

By Senator<sup>1</sup>.....:

*Resolved*, That a special committee of three members be appointed by the President<sup>2</sup> of the Senate<sup>3</sup> to propose and present Standing Rules of the Senate<sup>3</sup> for the ..... session of the Legislature.

Resolution read and on motion of Senator<sup>1</sup>....., adopted.

## APPOINTMENT OF COMMITTEES.

The President<sup>2</sup> announced the appointment of Senators<sup>1</sup>....., ..... and ..... as the Committee on Contingent Expenses and Mileage.

Also:

Senators<sup>4</sup>....., ..... and ..... as the Committee on Standing Rules of the Senate.<sup>3</sup>

APPOINTMENTS BY THE PRESIDENT.<sup>2</sup>

To the Senate<sup>3</sup> of the State of California:

I beg leave to announce that I have this day appointed....., ..... and ..... as pages at \$2.50 per diem, and respectfully ask the consent of the Senate thereto. ...., President<sup>2</sup> of the Senate.

Senator<sup>1</sup>..... moved that the Senate<sup>3</sup> consent to the appointments by the President.<sup>2</sup>

The roll was called, and the consent of the Senate<sup>3</sup> granted by the following vote:

AYES—Senators<sup>4</sup> .....

NOES—.....

## RESOLUTION.

The following resolution was offered:

By Senator<sup>1</sup>.....:

*Resolved*, That the following named persons be and they are hereby appointed to the respective positions hereinafter set forth as provided by law with the compensation set opposite their names, payable weekly, and the Controller is hereby directed to draw his warrants for the said respective amounts and the Treasurer is directed to pay the same:

....., Assistant Minute Clerk.....	\$7 00 per day
....., Journal Clerk .....	7 00 per day
....., Postmistress .....	4 00 per day
....., Assistant Sergeant-at-Arms .....	5 00 per day
....., Assistant Journal Clerk .....	5 00 per day
....., Stenographer .....	5 00 per day, etc.

Senator..... moved that the resolution be adopted.

The question being on the adoption of the resolution.

The roll was called and the resolution adopted by the following vote:

AYES—Senators<sup>4</sup> .....

NOES—.....

## RESOLUTION (OUT OF ORDER).

By consent of the Senate,<sup>3</sup> the following resolution was offered out of the regular order:

By Senator<sup>1</sup>.....:

## SENATE CONCURRENT RESOLUTION No. 2.

## Relative to Appointment of Committee for Joint Rules.

*Resolved by the Senate, the Assembly concurring,* That a committee of three members of the Senate, one of whom shall be the President pro tem., be appointed to confer with a committee of four members of the Assembly, one of whom shall be the Speaker, said committees to be appointed by the President of Senate and Speaker of Assembly, respectively, to propose and present joint rules of the two houses for the ..... session of the Legislature.

Resolution read.

Senator..... moved that the resolution be considered without reference to committee.

Motion carried.

The question being on the adoption of the resolution.

The roll was called and the resolution adopted by the following vote:  
AYES—Senators .....

NOES—.....

Senate Concurrent Resolution No. 2 ordered engrossed and transmitted to the Assembly.

## APPOINTMENT OF SPECIAL COMMITTEE.

The President announced, in accordance with the above resolution, the appointment of Senators<sup>4</sup>....., ..... and..... as a Special Committee on Joint Rules.

## APPOINTMENT BY SERGEANT-AT-ARMS.

The following communication was received and read:

MR. PRESIDENT<sup>2</sup>: I beg leave to report that I have this day appointed....., Bookkeeper to the Sergeant-at-Arms, and respectfully ask the consent of the Senate<sup>3</sup> thereto.

....., Sergeant-at-Arms.

Senator<sup>1</sup>..... moved that the Senate<sup>3</sup> consent to the appointment by the Sergeant-at-Arms.

The roll was called and the consent of the Senate<sup>3</sup> granted by the following vote:

AYES—Senators<sup>4</sup> .....

NOES—.....

## RECEIPT OF PAPERS IN CONTESTED ELECTION.

The President pro tem. announced that he had received the papers in the election contest, in which ex-Senator..... contested the election of Senator....., and that the same would be referred to the proper committee when said committee shall have been appointed.

## MESSAGE FROM THE ASSEMBLY.

The following message was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 5, 1915.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 2—Referring to Committee on Joint Rules.

....., Chief Clerk of Assembly.

Senate Concurrent Resolution No. 2 ordered to enrollment.

## RECESS.

At.....o'clock and.....minutes.....m., the President pro tem. declared the Senate at recess for the purpose of meeting with the Assembly in Joint Convention in accordance with the provisions of Assembly Concurrent Resolution No. 1.

## IN JOINT CONVENTION.

ASSEMBLY CHAMBER, SACRAMENTO,

Tuesday, January .....

At.....o'clock.....m. the Senate and Assembly met in Joint Convention.

Lieutenant Governor....., President of the Senate, directed the Secretary of the Senate to call the roll of Senators.

## SENATE ROLL CALL.

The roll was called, and the following answered to their names:

Senators .....

.....—36.

The President of the Senate declared a quorum of the Senate present. Hon. ...., Speaker of the Assembly, directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

## ASSEMBLY ROLL CALL.

The roll was called, and the following answered to their names:

Messrs. .....

.....—79.

The Speaker of the Assembly declared a quorum of the Assembly present.

## REGULAR ORDER OF BUSINESS.

By direction of the President of the Senate, the Secretary of the Senate read sections of the Constitution of the State of California and sections of the Political Code of the State, which provide for the two branches of the Legislature meeting in joint convention for the purpose of canvassing the votes cast for Governor and Lieutenant Governor, as follows:

Of article V of the Constitution:

Section 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in the presence of both houses of the Legislature. The person having the highest number of votes shall be Governor; but in case any two or more have an equal and highest number of votes, the Legislature shall, by joint vote of both houses, choose one of such persons so having an equal and the highest number of votes for Governor.

Section 15. A Lieutenant Governor shall be elected at the same time and places, and in the same manner, as the Governor, and his term of office and his qualifications of eligibility shall also be the same. He shall be President of the Senate, but shall have only a casting vote therein. If, during a vacancy of the office of Governor, the Lieutenant Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President pro tempore of the Senate shall act as Governor until the vacancy be filled or the disability shall cease. The Lieuten-

ant Governor shall be disqualified from holding any other office except as specially provided in this Constitution during the term for which he shall have been elected.

**Of the Political Code:**

Section 1292. When an election has been held to fill the office of Governor or Lieutenant Governor, the clerk of each county, in addition to the abstract made for transmission to the Secretary of State, must, as soon as the statement of the vote of his county is made out and entered upon the records of the boards of supervisors, make two certified abstracts of so much thereof as relates to the vote given for such officers.

Section 1293. The clerk must seal up each abstract separately, and indorse thereon "Election Returns for Governor and Lieutenant Governor."

Section 1294. He must at once direct one copy to the Speaker of the Assembly next to meet, address it to Sacramento, California, and deposit it, post-paid, in the post office.

Section 1295. The other copy he must direct and address, in the same manner, and at once deliver it to a member-elect of the Legislature, or to a Senator who holds over; and the person to whom it is so directed must deliver it to the Speaker on or before the second day next after his election.

Section 1296. The returns for election for Governor and Lieutenant Governor must, during the first week of the session, be opened, canvassed, and the result declared by the Speaker of the Assembly, in presence of both houses.

Section 1297. No declaration of the result, commission or certificate must be withheld on account of any defect or informality in the return of any election if it can with reasonable certainty be ascertained from such return what office is intended, and who is elected thereto.

**ANNOUNCEMENT.**

The Speaker of the Assembly announced that the election returns from all the counties in the State had been received, and were now at the desk, and that the Joint Convention would proceed with the opening of the returns from the recent election of Governor and Lieutenant Governor.

**APPOINTMENT OF TELLERS.**

The Speaker of the Assembly appointed as tellers, on the part of the Assembly, Messrs. ....

The President of the Senate appointed as tellers, on the part of the Senate, Senators.....

**CANVASS OF RETURNS.**

A canvass of the returns was thereupon made, and the tellers reported:

**FOR GOVERNOR.**

The total number of votes cast for each of the several candidates for the office of Governor of the State of California was announced as follows:

.....  
.....  
.....  
.....

Whereupon the Speaker of the Assembly declared.....  
.....duly elected Governor of the State of California for  
the next succeeding four years.

**FOR LIEUTENANT GOVERNOR.**

The total number of votes cast for each of the several candidates for the office of Lieutenant Governor of the State of California was announced as follows:

.....  
.....  
.....  
.....

Whereupon the Speaker of the Assembly declared.....  
duly elected Lieutenant Governor of the State of California for the  
next succeeding four years.

## RESOLUTION.

The following resolution was offered:

By Senator<sup>5</sup>.....:

*Resolved*, That the hour of....., be appointed the time when, and the Assembly Chamber in the State Capitol, Sacramento, California, the place where, the Governor and Lieutenant Governor-elect shall take the official oath in the presence of both Houses of the Legislature in joint convention assembled, as required in and by section 905 of the Political Code.

That the Joint Committee on Inauguration, already appointed, be and are hereby directed to inform the Governor and Lieutenant Governor-elect of this action, and that when this Joint Convention adjourns it adjourn to meet at the hour and place aforesaid.

Resolution read, and on motion of Senator....., adopted.

## READING AND APPROVAL OF MINUTES.

The minutes of the Joint Convention were then read, and on motion, approved.

## ADJOURNMENT.

At two o'clock and thirty minutes p.m., the President pro tem.<sup>2</sup> of the Senate<sup>3</sup> declared the Joint Convention adjourned until.....

IN SENATE.<sup>3</sup>

## RECONVENED.

At.....o'clock and.....minutes.....m. the Senate<sup>3</sup> reconvened.  
Lieutenant Governor....., President<sup>2</sup> of the Senate,<sup>3</sup> in the chair.

RECESS.<sup>6</sup>

At.....o'clock.....minutes.....m., on motion of Senator.....,  
the President<sup>2</sup> declared the Senate<sup>3</sup> at recess.<sup>7</sup>

## EXPLANATORY NOTE.

<sup>1</sup>Or Mr.

<sup>2</sup>Or other presiding officer.

<sup>3</sup>Or Assembly.

<sup>4</sup>Or Messrs.

<sup>5</sup>In the Assembly show the introduction and adoption of Assembly Concurrent Resolution No. 1 and the receipt of the message from the Senate announcing the adoption of Senate Concurrent Resolution No. 2 with the action of the Assembly thereon, in accordance with the usual form.

<sup>6</sup>Or adjournment.

<sup>7</sup>Or adjourned.

N. B.—Inaugural ceremonies vary according to the taste of the Governor-elect and will be in accordance with the provisions of the.....resolution adopted by the Joint Convention on the subject.

## SEC. 28.

(Form.)

CONVENING OF SENATE<sup>1</sup> (DAILY).IN SENATE.<sup>1</sup>

SENATE<sup>1</sup> CHAMBER,  
Sacramento, California.

The Senate<sup>1</sup> met at.....o'clock .....m., Lieutenant Governor<sup>2</sup>  
....., President<sup>3</sup> of the Senate,<sup>1</sup> in chair.

The roll was called by Secretary....., and the following answered to their names:

**Senators** .....

Also: (At the first session after the constitutional recess.)

Pursuant to the provisions of..... Concurrent Resolution No..... the Senate<sup>1</sup> reconvened at the hour of twelve o'clock noon, Lieutenant Governor....., President of the Senate, in the chair.

**EXPLANATORY NOTE.**

<sup>1</sup>Or Assembly.

<sup>2</sup>Or Hon.

<sup>3</sup>Or other presiding officer.

**SEC. 29.**

(Form.)

(Change of presiding officer.)

**LIEUTENANT GOVERNOR<sup>1</sup> IN THE CHAIR.**

At.....o'clock and.....minutes ....m., Lieutenant Governor<sup>2</sup>....., President<sup>1</sup> of the Senate, in the chair.

**EXPLANATORY NOTE.**

<sup>1</sup>Or other presiding officer.

<sup>2</sup>Or Hon.

Also:

**PRESIDENT<sup>1</sup> PRO TEM. IN THE CHAIR.**

At.....o'clock and.....minutes ....m., Hon. ...., President<sup>1</sup> pro tem. of the Senate, in the chair.

**EXPLANATORY NOTE.**

<sup>1</sup>Or Speaker.

Also:

**SENATOR<sup>1</sup>.....IN THE CHAIR.**

At.....o'clock and.....minutes ....m., Senator<sup>1</sup> .....of the.....district was called to the chair.

**EXPLANATORY NOTE.**

<sup>1</sup>Or Mr.

**SEC. 30.**

(Form.)

**PRAYER.**

Prayer was offered by the Chaplain, Rev. ....  
(Also):

By invitation of the President,<sup>1</sup> prayer was then offered by Rev. ....

**EXPLANATORY NOTE.**

<sup>1</sup>Or other presiding officer.

**SEC. 31.**

(Form.)

**READING OF THE JOURNAL.**

During the reading of the Journal of ..... day, ..... 19....., the further reading was dispensed with, on motion of Senator<sup>1</sup> .....

**EXPLANATORY NOTE.**<sup>1</sup>Or Mr.**SEC. 32.**

(Form.)

**LEAVE OF ABSENCE.**

Senator<sup>1</sup> ..... was, on motion of Senator<sup>1</sup> ..... granted leave of absence for this day.

**EXPLANATORY NOTE.**<sup>1</sup>Or Mr.**SEC. 33.**

(Form.)

**APPROVAL OF JOURNAL.**

On motion of Senator<sup>1</sup> ..... the Journals of ..... day, ..... 19....., and ..... day ..... 19....., were approved as corrected.

**EXPLANATORY NOTE.**<sup>1</sup>Or Mr.**SEC. 34.**

(Form.)

**PETITIONS.**

Senator ..... presented the following petition, which was read and ordered printed in the Journal:

To the State Legislature:

WHEREAS, etc., .....

.....  
Signed.

JOHN SMITH, and 1297 others.

(Also):

The following petition was read and ordered printed in the Journal:

**SEC. 35.**

(Form.)

**COMMUNICATIONS.**

The following communications were read and ordered printed in the Journal:

.....  
.....

**SEC. 36.**

(Form.)

**HOUR OF RECESS EXTENDED.**

At twelve o'clock and thirty minutes<sup>2</sup> p.m., on motion of Senator<sup>1</sup>.....the hour of recess was extended until.....o'clock and.....minutes p.m.

**EXPLANATORY NOTE.**<sup>1</sup>Or Mr.<sup>2</sup>Or at twelve o'clock.**SEC. 37.**

(Form.)

**RECESS.**

(Noon regular.)

The hour of twelve o'clock and thirty minutes p.m., having arrived, the President<sup>2</sup> declared the Senate at recess until two o'clock p.m.

Also:

At.....o'clock and.....minutes<sup>4</sup> p.m., on motion of Senator<sup>1</sup>....., the President<sup>2</sup> declared the Senate at recess until.....o'clock p.m.

**EXPLANATORY NOTE.**<sup>1</sup>Or Mr.<sup>2</sup>Or other presiding officer.<sup>3</sup>Or Assembly.<sup>4</sup>Or at twelve o'clock.**SEC. 38.**

(Form.)

**RECONVENED.**

At.....o'clock ....m., the Senate reconvened.

Lieutenant Governor<sup>1</sup>....., President of the Senate, in the chair.

Secretary<sup>2</sup>.....at the desk.

**EXPLANATORY NOTE.**<sup>1</sup>Or Hon. ...., President pro tem.<sup>2</sup>Or other officer.**SEC. 39.**

(Form.)

**ADJOURNMENT—(DAILY).**

At.....o'clock and.....minutes ....m., on motion of Senator<sup>1</sup>....., the President<sup>2</sup> declared the Senate<sup>3</sup> adjourned.<sup>4</sup>

**ADJOURNMENT OUT OF RESPECT.**

Also:

On motion of Senator<sup>1</sup>....., duly seconded by Senator<sup>1</sup>....., the Senate<sup>3</sup> decided by rising vote that when adjournment for this day should be had, that such adjournment should be out of respect to the memory of the late....., formerly.....

\* \* \* \* \*

## ADJOURNMENT.

At ..... o'clock and ..... minutes ..... m., on motion of Senator<sup>1</sup> ..... , the President<sup>2</sup> declared the Senate<sup>3</sup> adjourned out of respect to the memory of the late ..... , formerly .....

## EXPLANATORY NOTE.

<sup>1</sup>Or Mr.

<sup>2</sup>Or other presiding officer.

<sup>3</sup>Or Assembly.

<sup>4</sup>Or until Monday, ..... , 19....., at 11:00 o'clock a.m.

## SEC. 40.

(Form.)

## ADJOURNMENT.

(For Constitutional Recess or Sine Die.)

## RESOLUTION.

By Senator<sup>1</sup> ..... :

*Resolved*, That a committee of three be appointed to notify the Assembly<sup>2</sup> that the Senate<sup>3</sup> is ready to adjourn<sup>6</sup> for the constitutional recess and ask if the Assembly<sup>2</sup> has any further communications to transmit to the Senate.<sup>3</sup>

Resolution read, and on motion of Senator<sup>1</sup> ..... adopted.

APPOINTMENTS BY THE PRESIDENT.<sup>5</sup>

In accordance with the above resolution, Senators<sup>4</sup> ..... and ..... were named by the President<sup>5</sup> as the committee to notify the Assembly<sup>2</sup> that the Senate<sup>3</sup> was ready to adjourn<sup>6</sup> for the constitutional recess.

## RESOLUTION.

By Senator<sup>1</sup> ..... :

*Resolved*, That a committee of three be appointed by the President<sup>5</sup> of the Senate<sup>3</sup> to notify the Governor that the Senate<sup>3</sup> is ready to adjourn<sup>6</sup> for the constitutional recess<sup>6</sup> and ask if he has any further communications to transmit to the Senate.<sup>3</sup>

Resolution read, and on motion of Senator<sup>1</sup> ..... adopted.

APPOINTMENTS BY THE PRESIDENT.<sup>5</sup>

In accordance with the above resolution, Senators<sup>4</sup> ..... and ..... were named as the committee to notify the Governor that the Senate<sup>3</sup> was ready to adjourn<sup>6</sup> for the constitutional recess.<sup>6</sup>

## REPORT OF COMMITTEE.

Senator<sup>1</sup> ..... , as chairman of the committee appointed to wait upon the Governor and inform him of the Senate's<sup>3</sup> readiness to adjourn<sup>6</sup> for the constitutional recess<sup>6</sup>, reported that his Excellency had informed the committee that he had no further message to send to the Senate.

## REPORT OF COMMITTEE.

Senator<sup>1</sup> ..... , as chairman of the committee appointed to notify the Assembly<sup>2</sup> that the Senate<sup>3</sup> was ready to adjourn<sup>6</sup> for the constitutional recess,<sup>6</sup> reported that they had notified the Assembly<sup>2</sup> according to instructions and that the Speaker of the Assembly<sup>3</sup> had informed the committee that a message shortly would be sent to the Senate by an Assembly committee.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:  
ON ENGROSSMENT AND ENROLLMENT.

SACRAMENTO, .....

MR. PRESIDENT: Your Committee on Engrossment and Enrollment has examined .....

And reports that the same have been correctly enrolled and presented the same to the Governor on this.....day of....., .....at .....

.....o'clock ....m. .....Chairman.

Also:

SACRAMENTO, ....., 19.....

MR. PRESIDENT: Your Committee on Engrossment and Enrollment has examined .....

And reports that the same have been correctly engrossed.

.....Chairman.

## MESSAGE FROM THE ASSEMBLY.

At .....o'clock and .....minutes ....m., a committee from the Assembly<sup>2</sup> (Mr.<sup>7</sup>....., chairman) appeared at the bar of the Senate<sup>3</sup> and announced that the Assembly<sup>2</sup> had no further message to send to the Senate,<sup>3</sup> and now was prepared for adjournment<sup>6</sup> for the constitutional recess.<sup>6</sup>

## MESSAGE TO ASSEMBLY.

Upon receipt of the foregoing message from the Assembly<sup>2</sup> the President<sup>5</sup> pro tem. announced that the Senate<sup>3</sup> had no further message to send to the Assembly<sup>2</sup> and requested the Committee from the Assembly<sup>2</sup> to convey to the Assembly<sup>2</sup> the information that the Senate<sup>3</sup> was now prepared for adjournment<sup>6</sup> for the constitutional recess.<sup>6</sup>

## MINUTES APPROVED.

The minutes of this day, Saturday, .....19....., were read and on motion of Senator<sup>1</sup>.....approved.

## ADJOURNMENT.

Whereupon, at twelve o'clock m., in accordance with the provisions of Senate<sup>3</sup> Concurrent Resolution No. ...., Hon. ...., President pro tem.<sup>5</sup> of the Senate,<sup>3</sup> declared the Senate<sup>3</sup> adjourned<sup>6</sup> for the constitutional recess,<sup>6</sup> to reconvene at twelve o'clock m. on .....March ...., 19.....

## EXPLANATORY NOTE.

<sup>1</sup>Or Mr.

<sup>2</sup>Or Senate.

<sup>3</sup>Or Assembly.

<sup>4</sup>Or Messrs.

<sup>5</sup>Or other presiding officer.

<sup>6</sup>Or sine die.

<sup>7</sup>Or Senator.

## CHAPTER II.

### CONSTITUTIONAL PROVISIONS DIRECTLY AFFECTING THE POWERS AND DUTIES OF THE LEGISLATURE.

#### CHAPTER CONTENTS.

- Sec. 41. Right of people to assemble and petition. (Constitution.)
- Sec. 42. No imprisonment for debt. (Constitution.)
- Sec. 43. Bill of attainder—*Ex post facto* law—Obligation of contract. (Constitution.)
- Sec. 44. Privileges and immunities. (Constitution.)
- Sec. 45. Constitution mandatory. (Constitution.)
- Sec. 46. Rights reserved by people. (Constitution.)
- Sec. 47. No property qualification of electors. (Constitution.)
- Sec. 48. Right to fish. (Constitution.)
- Sec. 49. Primary elections. (Constitution.)
- Sec. 50. Limitations upon the power of the Legislature to enact laws. (Constitution.)
- Sec. 51. Lending public credit prohibited. (Constitution.)
- Sec. 52. Regulation of charges of public service corporations. (Constitution.)
- Sec. 53. State highway system authorized. (Constitution.)
- Sec. 53½. Courts of the State. (Constitution.)
- Sec. 54. Legislature to provide inferior courts. (Constitution.)
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- Sec. 56. Jurisdiction of inferior courts and powers of judges. (Constitution.)
- Sec. 57. Court clerks—Commissioners. (Constitution.)
- Sec. 58. Fees of judicial officers abolished. (Constitution.)
- Sec. 59. Publication of opinions of appellate courts. (Constitution.)
- Sec. 60. Militia. (Constitution.)
- Sec. 61. Legislature to encourage education. (Constitution.)
- Sec. 62. County superintendent of schools. (Constitution.)
- Sec. 63. State School fund. (Constitution.)
- Sec. 64. Common school system. (Constitution.)
- Sec. 65. Support of school system. (Constitution.)
- Sec. 66. State Board of Education—Free textbooks. (Constitution.)
- Sec. 67. No public money for sectarian schools. (Constitution.)
- Sec. 68. Powers and duties of prison directors. (Constitution.)
- Sec. 69. Legislature to prescribe powers and duties of prison officials. (Constitution.)
- Sec. 70. Formation of new counties. (Constitution.)
- Sec. 71. County governments and township organization. (Constitution.)
- Sec. 72. Compensation of officers and jurors. (Constitution.)
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- Sec. 77. Bank corporations only under general laws—No bank currency. (Constitution.)
- Sec. 78. Extension of franchise of corporation—Remission of forfeiture. (Constitution.)

- Sec. 79. Corporation property subject to condemnation—Police power not abridged. (Constitution.)
- Sec. 80. Corporation business limited by charter—Term of holding real estate. (Constitution.)
- Sec. 81. Transfer of franchise does not relieve from liabilities. (Constitution.)
- Sec. 82. State not to lend credit or own corporation stock. (Constitution.)
- Sec. 83. Place of business of corporations—Books. (Constitution.)
- Sec. 84. Foreign corporations. (Constitution.)
- Sec. 85. Railroad Commission created—Its powers prescribed. (Constitution.)
- Sec. 86. Public utilities—Supervision of—Local regulation. (Constitution.)
- Sec. 87. Legislature may invest Railroad Commission with power to fix compensation for taking public utility property. (Constitution.)
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- Sec. 89. Legislature may provide taxation exemption in certain cases. (Constitution.)
- Sec. 90. Contract impairing power of taxation forbidden. (Constitution.)
- Sec. 91. Payment of real property taxes by installments. (Constitution.)
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- Sec. 94. Property, where assessed. (Constitution.)
- Sec. 95. Income tax may be levied. (Constitution.)
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- Sec. 98. Legislature to provide for enforcement. (Constitution.)
- Sec. 99. Basis of taxation for State purposes. (Constitution.)
- Sec. 100. Harbor frontage subject to eminent domain. (Constitution.)
- Sec. 101. People shall always have access to navigable waters. (Constitution.)
- Sec. 102. Tide lands not to pass into private hands. (Constitution.)
- Sec. 103. Limitation of State indebtedness. (Constitution.)
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- Sec. 105. Holding of unimproved lands against public interest. (Constitution.)
- Sec. 106. Constitution, how amended. (Constitution.)
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- Sec. 108. Power of Legislature to regulate aliens. (Constitution.)
- Sec. 109. Immigration of foreigners ineligible to citizenship to be discouraged. (Constitution.)
- Sec. 110. Officials to be provided for by Legislature. (Constitution.)
- Sec. 111. Fiscal year. (Constitution.)
- Sec. 112. Suits against State. (Constitution.)
- Sec. 113. Disqualification for bribery. (Constitution.)
- Sec. 114. Misconduct in office—Corrupt practices. (Constitution.)
- Sec. 115. Election by plurality—Municipal regulations. (Constitution.)
- Sec. 116. State Board of Health. (Constitution.)
- Sec. 117. Mechanics' liens. (Constitution.)
- Sec. 118. Term of office when not fixed by Constitution. (Constitution.)
- Sec. 119. Eight-hour day on public work. (Constitution.)
- Sec. 120. Minimum wage for women and minors. (Constitution.)
- Sec. 121. Workmen's compensation—Labor disputes. (Constitution.)
- Sec. 122. The recall. (Constitution.)

**SEC. 41.****RIGHT OF PEOPLE TO ASSEMBLE AND PETITION.**

The people shall have the right to freely assemble together to consult for the common good, to instruct their representatives, and to petition the Legislature for redress of grievances. (*Constitution, art. I, sec. 10.*)

**SEC. 42.****NO IMPRISONMENT FOR DEBT.**

No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud, nor in civil actions for torts,

except in cases of wilful injury to person or property; and no person shall be imprisoned for a militia fine in time of peace. (*Constitution, art. I, sec. 15.*)

**SEC. 43.****BILL OF ATTAINER—EX POST FACTO LAW—OBLIGATION OF CONTRACT.**

No bill of attainder, ex post facto law, or law impairing the obligations of contracts, shall ever be passed. (*Constitution, art. I, sec. 16.*)

**SEC. 44.****PRIVILEGES AND IMMUNITIES.**

No special privileges or immunities shall ever be granted which may not be altered, revoked, or repealed by the Legislature, nor shall any citizen, or class of citizens, be granted privileges or immunities which, upon the same terms, shall not be granted to all citizens. (*Constitution, art. I, sec. 21.*)

**SEC. 45.****CONSTITUTION MANDATORY.**

The provisions of this Constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise. (*Constitution, art. I, sec. 22.*)

**SEC. 46.****RIGHTS RESERVED BY PEOPLE.**

This enumeration of rights shall not be construed to impair or deny others retained by the people. (*Constitution, art. I, sec. 23.*)

**SEC. 47.****NO PROPERTY QUALIFICATION OF ELECTORS**

No property qualification shall ever be required for any person to vote or hold office. (*Constitution, art. I, sec. 24.*)

**SEC. 48.****RIGHT TO FISH.**

The people shall have the right to fish upon and from public lands of the State and in the waters thereof, excepting upon lands set aside for fish hatcheries, and no land owned by the State shall ever be sold or transferred without reserving in the people the absolute right to fish thereupon; and no law shall ever be passed making it a crime for the people to enter upon the public lands within this State for the purpose of fishing in any water containing fish that have been planted therein by the State; *provided*, that the Legislature may by statute provide for the season when and the conditions under which the different species of fish may be taken. (*Constitution, art. I, sec. 25.*)

**SEC. 49.****PRIMARY ELECTIONS.**

The Legislature shall have the power to enact laws relative to the election of delegates to conventions of political parties; and the Legislature shall enact laws providing for the direct nomination of candidates for public office, by electors, political parties, or organizations of electors without conventions, at elections to be known and designated as primary elections; also to determine the tests and conditions upon which electors, political parties, or organizations of electors may participate in any such primary election. It shall also be lawful for the Legislature to prescribe that any such primary election shall be mandatory and obligatory. The Legislature shall also have the power to establish the rates of compensation for primary election officers serving at such primary elections in any city, or city and county, or county or other subdivision of a designated population, without making such compensation uniform, and for such purpose such law may declare the population of any city, city and county, county or political subdivision; *provided, however,* that until the Legislature shall enact a direct primary election law under the provisions of this section, the present primary election law shall remain in force and effect. (*Constitution, art. II, sec. 2½.*)

**SFC. 50.****LIMITATIONS UPON THE POWER OF THE LEGISLATURE TO ENACT LAWS.**

The legislative power of this State shall be vested in a Senate and Assembly which shall be designated "The Legislature of the State of California," but the people reserve to themselves the power to propose laws and amendments to the Constitution, and to adopt or reject the same, at the polls independent of the Legislature, and also reserve the power, at their own option, to so adopt or reject any act, or section or part of any act, passed by the Legislature. The enacting clause of every law shall be "The people of the State of California do enact as follows:"

\* \* \* \* \*

No act passed by the Legislature shall go into effect until ninety days after the final adjournment of the session of the Legislature which passed such act, except acts calling elections, acts providing for tax levies or appropriations for the usual current expenses of the State, and urgency measures necessary for the immediate preservation of the public peace, health or safety, passed by a two-thirds vote of all the members elected to each House.

\* \* \* \* \*

Whenever it is deemed necessary for the immediate preservation of the public peace, health or safety, that a law shall go into immediate effect, a statement of the facts constituting such necessity shall be set forth in one section of the act, which section shall be passed only upon a yea and nay vote, upon a separate roll call thereon; *provided, however,* that no measure creating or abolishing any office or changing the salary, term or duties of any officer, or granting any franchise or special privilege, or creating any vested right or interest, shall be

construed to be an urgency measure. Any law so passed by the Legislature and declared to be an urgency measure shall go into immediate effect. (*Constitution, art. IV, sec. 1.*)

**SEC. 51.****LENDING PUBLIC CREDIT PROHIBITED.**

The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State, or of any county, city and county, city, township, or other political corporation or subdivision of the State now existing, or that may be hereafter established, in aid of or to any person, association or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift, or authorize the making of any gift, of any public money or thing of any value to any individual, municipal or other corporation whatever; *provided*, that nothing in this section shall prevent the Legislature granting aid pursuant to section twenty-two of this article; and it shall not have power to authorize the State, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever; *provided, further*, that irrigation districts for the purpose of acquiring the control of any entire international water system necessary for its use and purposes, a part of which is situated in the United States, and a part thereof in a foreign country, may in the manner authorized by law, acquire the stock of any foreign corporation which is the owner of, or which holds the title to the part of such system situated in a foreign country. (*Constitution, art. IV, sec. 31.*)

**SEC. 52.****REGULATION OF CHARGES OF PUBLIC SERVICE CORPORATIONS.**

The Legislature shall pass laws for the regulation and limitation of the charges for services performed and commodities furnished by telegraph and gas corporations, and the charges by corporations or individuals for storage and wharfage, in which there is a public use; and where laws shall provide for the selection of any person or officer to regulate and limit such rates, no such person or officer shall be selected by any corporation or individual interested in the business to be regulated, and no person shall be selected who is an officer or stockholder in any such corporation. (*Constitution, art. IV, sec. 33.*)

**SEC. 53.****STATE HIGHWAY SYSTEM AUTHORIZED.**

The Legislature shall have power to establish a system of State highways or to declare any road a State highway, and to pass all laws necessary or proper to construct and maintain the same, and to extend aid for the construction and maintenance in whole or in part of any county highway. (*Constitution, art. IV, sec. 36.*)

**SEC. 53½.****COURTS OF THIS STATE.**

The judicial power of the State shall be vested in the Senate, sitting as a court of impeachment, in a Supreme Court, District Courts of Appeal, Superior Courts and such inferior courts as the Legislature may establish in any incorporated city or town, township, county, or city and county. (*Constitution, art. VI, sec. 1.*)

**SEC. 54.****LEGISLATURE TO PROVIDE INFERIOR COURTS.**

The Legislature shall determine the number of each of the inferior courts in incorporated cities or towns, and in townships, counties, or cities and counties, according to the population thereof and the number of judges or justices thereof, and shall fix by law the powers, duties and responsibilities of each of such courts and of the judges or justices thereof; *provided*, such powers shall not in any case trench upon the jurisdiction of the several courts of record, except that the Legislature shall provide that said courts shall have concurrent jurisdiction with the Superior Courts in cases of forcible entry and detainer, where the rental value does not exceed twenty-five dollars per month, and where the whole amount of damages claimed does not exceed two hundred dollars, and in cases to enforce and foreclose liens on personal property when neither the amount of liens nor the value of the property amounts to three hundred dollars. (*Constitution, art. VI, sec. 11.*)

**SEC. 55.****COURTS OF RECORD.**

The Supreme Court, the District Courts of Appeal, the Superior Courts, and such other courts as the Legislature shall prescribe, shall be courts of record. (*Constitution, art. VI, sec. 12.*)

**SEC. 56.****JURISDICTION OF INFERIOR COURTS AND POWERS OF JUDGES.**

The Legislature shall fix by law the jurisdiction of any inferior courts which may be established in pursuance of section one of this article, and shall fix by law the powers, duties, responsibilities of the judges thereof. (*Constitution, art. VI, sec. 13.*)

**SEC. 57.****COURT CLERKS—COMMISSIONERS.**

The county clerks shall be ex officio clerks of the courts of record in and for their respective counties, or cities and counties. The Legislature may also provide for the appointment, by the several superior courts, of one or more commissioners in their respective counties, or cities and counties, with authority to perform chamber business of the Judges of the Superior Courts, to take depositions, and perform such other business connected with the administration of justice as may be prescribed by law. (*Constitution, art. VI, sec. 14.*)

**SEC. 58.****FEES OF JUDICIAL OFFICERS ABOLISHED.**

No judicial officer, except court commissioners, shall receive to his own use any fees or perquisites of office; *provided*, that Justices of the Peace now holding office shall receive to their own use such fees as are now allowed by law during the terms for which they have been elected. (*Constitution, art. VI, sec. 15.*)

**SEC. 59.****PUBLICATION OF OPINIONS OF APPELLATE COURTS.**

The Legislature shall provide for the speedy publication of such opinions of the Supreme Court and of the District Courts of Appeal as the Supreme Court may deem expedient, and all opinions shall be free for publication by any person. (*Constitution, art. VI, sec. 16.*)

**SEC. 60.****MILITIA.**

The Legislature shall provide, by law, for organizing and disciplining the militia, in such manner as it may deem expedient, not incompatible with the Constitution and laws of the United States. Officers of the militia shall be elected or appointed in such a manner as the Legislature shall, from time to time, direct, and shall be commissioned by the Governor. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, and repel invasions. (*Constitution, art. VIII, sec. 1.*)

**SEC. 61.****LEGISLATURE TO ENCOURAGE EDUCATION.**

A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral and agricultural improvement. (*Constitution, art. IX, sec. 1.*)

**SEC. 62.****COUNTY SUPERINTENDENT OF SCHOOLS.**

A superintendent of schools for each county shall be elected by the qualified electors thereof at each gubernatorial election; *provided*, that the Legislature may authorize two or more counties to unite and elect one superintendent for the counties so uniting. (*Constitution, art. IX, sec. 3.*)

**SEC. 63.****STATE SCHOOL FUND.**

The proceeds of all lands that have been or may be granted by the United States to this State for the support of common schools, which may be, or may have been, sold or disposed of, and the five hundred thousand acres of land granted to the new states under an act of Con-

gress, distributing the proceeds of the public lands among the several states of the Union, approved A.D. one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent as may be granted, or may have been granted, by Congress on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of common schools throughout the State. (*Constitution, art. IX, sec. 4.*)

**SEC. 64.****COMMON SCHOOL SYSTEM.**

The Legislature shall provide for a system of common schools, by which a free school shall be kept up and supported in each district at least six months in every year, after the first year in which a school has been established. (*Constitution, art. IX, sec. 5.*)

**SEC. 65.****SUPPORT OF SCHOOL SYSTEM.**

The public school system shall include day and evening elementary schools, and such day and evening secondary schools, normal schools, and technical schools as may be established by the Legislature, or by municipal or district authority. The entire revenue derived from the state school fund and from the general state school tax shall be applied exclusively to the support of day and evening elementary schools; but the Legislature may authorize and cause to be levied a special state school tax for the support of day and evening secondary schools and technical schools, or either of such schools, included in the public school system, and all revenue derived from such special tax shall be applied exclusively to the support of the schools for which such special tax shall be levied. (*Constitution, art. IX, sec. 6.*)

**SEC. 66.****STATE BOARD OF EDUCATION—FREE TEXTBOOKS.**

The Legislature shall provide for the appointment or election of a state board of education, and said board shall provide, compile, or cause to be compiled, and adopt, a uniform series of textbooks for use in the day and evening elementary schools throughout the State. The state board may cause such textbooks, when adopted, to be printed and published by the Superintendent of State Printing, at the state printing office; and wherever and however such textbooks may be printed and published, they shall be furnished and distributed by the State free of cost of any charge whatever, to all children attending the day and evening elementary schools of the State, under such conditions as the Legislature shall prescribe. The textbooks, so adopted, shall continue in use not less than four years, without any change or alteration whatsoever which will require or necessitate the furnishing of new books to such pupils, and said state board shall perform such other duties as may be prescribed by law. The Legislature shall provide for a board of education in each county in the State. The county superintendents

and the county boards of education shall have control of the examination of teachers and the granting of teachers' certificates within their respective jurisdictions. (*Constitution, art. IX, sec. 7.*)

**SEC. 67.****NO PUBLIC MONEY FOR SECTARIAN SCHOOLS.**

No public money shall ever be appropriated for the support of any sectarian or denominational school, or any school not under the exclusive control of the officers of the public schools; nor shall any sectarian or denominational doctrine be taught, or instruction thereon be permitted, directly or indirectly, in any of the common schools of this State. (*Constitution, art. IX, sec. 8.*)

**SEC. 68.****POWERS AND DUTIES OF PRISON DIRECTORS.**

The board of directors shall have the charge and superintendence of the state prisons, and shall possess such powers and perform such duties, in respect to other penal and reformatory institutions of the State, as the Legislature may prescribe. (*Constitution, art. X, sec. 2.*)

**SEC. 69.****LEGISLATURE TO PRESCRIBE POWERS AND DUTIES OF PRISON OFFICIALS.**

The Legislature shall pass such laws as may be necessary to further define and regulate the powers and duties of the board, wardens, and clerks, and to carry into effect the provisions of this article. (*Constitution, art. X, sec. 5.*)

**SEC. 70.****FORMATION OF NEW COUNTIES.**

The Legislature, by general and uniform laws, may provide for the alteration of county boundary lines, and for the formation of new counties; *provided, however*, that no new county shall be established which shall reduce any county to a population of less than twenty thousand; nor shall a new county be formed containing a less population than eight thousand; nor shall any line thereof pass within five miles of the exterior boundary of the city or town in which the county seat of any county proposed to be divided is situated. Every county which shall be enlarged or created from territory taken from any other county or counties, shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken. (*Constitution, art. X, sec. 3.*)

**SEC. 71.****COUNTY GOVERNMENTS AND TOWNSHIP ORGANIZATION.**

The Legislature shall establish a system of county governments, which shall be uniform throughout the State; and by general laws shall provide for township organizations, under which any county may organize

whenever a majority of the qualified electors of such county, voting at a general election, shall so determine; and whenever a county shall adopt township organization, the assessment and collection of the revenue shall be made, and the business of such county and the local affairs of the several townships therein shall be managed and transacted, in the manner prescribed by such general laws. (*Constitution, art. XI, sec. 4.*)

**SEC. 72.****COMPENSATION OF OFFICERS AND JURORS.**

The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of boards of supervisors, sheriffs, county clerks, district attorneys, and such other county, township, and municipal officers as public convenience may require, and shall prescribe their duties and fix their terms of office. It shall regulate the compensation of all such officers, in proportion to duties, and may also establish fees to be charged and collected by such officers for services performed in their respective offices, in the manner and for the uses provided by law, and for this purpose may classify the counties by population; and it shall provide for the strict accountability of county and township officers for all fees which may be collected by them, and for all public and municipal moneys which may be paid to them, or officially come into their possession. It may regulate the compensation of grand and trial jurors in all courts within the classes of counties herein permitted to be made; such compensation, however, shall not, in any class, exceed the sum of three dollars per day and mileage. (*Constitution, art. XI, sec. 5.*)

**SEC. 73.****ONLY MUNICIPALITY CAN TAX FOR MUNICIPAL PURPOSES.**

The Legislature shall have no power to impose taxes upon counties, cities, towns or other public or municipal corporations, or upon the inhabitants or property thereof, for county, city, town, or other municipal purposes, but may, by general laws, vest in the corporate authorities thereof the power to assess and collect taxes for such purposes. (*Constitution, art. XI, sec. 12.*)

**SEC. 74.****NO DELEGATION AS TO MUNICIPAL IMPROVEMENTS TO PRIVATE CORPORATIONS—EXCEPTION.**

The Legislature shall not delegate to any special commission, private corporation, company, association or individual any power to make, control, appropriate, supervise or in any way interfere with any county, city, town or municipal improvement, money, property, or effects, whether held in trust or otherwise, or to levy taxes or assessments or perform any municipal function whatever, except that the Legislature shall have power to provide for the supervision, regulation and conduct, in such manner as it may determine, of the affairs of irrigation districts, reclamation districts or drainage districts, organized or existing under any law of this State. (*Constitution, art. XI, sec. 13.*)

**SEC. 75.****GENERAL LAWS AS TO INSPECTION OF MERCHANDISE.**

The Legislature may by general and uniform laws provide for the inspection, measurement and graduation of merchandise, manufactured articles and commodities, and may provide for the appointment of such officers as may be necessary for such inspection, measurement and graduation. (*Constitution, art. XI, sec. 14.*)

**SEC. 76.****GENERAL LAWS AS TO FORMATION OF CORPORATIONS.**

Corporations may be formed under general laws, but shall not be created by special act. All laws now in force in the State concerning corporations, and all laws that may be hereafter passed pursuant to this section, may be altered from time to time or repealed. (*Constitution, art. XII, sec. 1.*) (*See also Civil Code, sec. 404, for detail.*)

**SEC. 77.****BANK CORPORATIONS ONLY UNDER GENERAL LAWS—NO BANK CURRENCY.**

The Legislature shall have no power to pass any act granting any charter for banking purposes, but corporations or associations may be formed for such purposes under general laws, and the Legislature shall provide for the classification of cities and towns by population for the purpose of regulating the business of banking. No corporation, association, or individual shall issue or put in circulation, as money, anything but the lawful money of the United States. (*Constitution, art. XII, sec. 5.*)

**SEC. 78.****EXTENSION OF FRANCHISE OF CORPORATION—REMISSION OF FORFEITURE.**

The Legislature shall not extend any franchise or charter, nor remit the forfeiture of any franchise or charter of any quasi-public corporation now existing or which shall hereafter exist under the laws of this State. (*Constitution, art. XII, sec. 7.*)

**SEC. 79.****CORPORATION PROPERTY SUBJECT TO CONDEMNATION—POLICE POWER NOT ABRIDGED.**

The exercise of the right of eminent domain shall never be so abridged or construed as to prevent the Legislature from taking the property and franchises of incorporated companies and subjecting them to public use the same as the property of individuals, and the exercise of the police power of the State shall never be so abridged or construed as to permit corporations to conduct their business in such manner as to infringe the rights of individuals or the general well-being of the State. (*Constitution, art. XII, sec. 8.*)

**SEC. 80.****CORPORATION BUSINESS LIMITED BY CHARTER—TERM OF HOLDING  
REAL ESTATE.**

No corporation shall engage in any business other than that expressly authorized in its charter or the law under which it may have been or may hereafter be organized; nor shall it hold for a longer period than five years any real estate except such as may be necessary for carrying on its business. (*Constitution, art. XII, sec. 9.*)

**SEC. 81.****TRANSFER OF FRANCHISE DOES NOT RELIEVE FROM LIABILITIES.**

The Legislature shall not pass any laws permitting the leasing or alienation of any franchise, so as to relieve the franchise or property held thereunder from the liabilities of the lessor or grantor, lessee or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise or any of its privileges. (*Constitution, art. XII, sec. 10.*)

**SEC. 82.****STATE NOT TO LEND CREDIT OR OWN CORPORATION STOCK.**

The State shall not, in any manner, loan its credit, nor shall it subscribe to or be interested in the stock of any company, association, or corporation. (*Constitution, art. XII, sec. 13.*)

**SEC. 83.****PLACE OF BUSINESS OF CORPORATIONS—BOOKS.**

Every corporation other than religious, educational, or benevolent, organized or doing business in this State, shall have and maintain an office or place in this State \* \* \* in which shall be kept, for inspection by \* \* \* legislative committees, books in which shall be recorded the amount of capital stock subscribed, and by whom; the names of the owners of its stock, and the amounts owned by them, respectively; the amount of stock paid in, and by whom; the transfers of stock; the amount of its assets and liabilities, and the names and places of residence of its officers. (*Constitution, art. XII, sec. 14.*) (*See also Civil Code, sec. 383, for detail.*)

**SEC. 84.****FOREIGN CORPORATIONS.**

No corporation organized outside the limits of this State shall be allowed to transact business within this State on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this State. (*Constitution, art. XII, sec. 15.*)

**SEC. 85.****RAILROAD COMMISSION CREATED—ITS POWERS PRESCRIBED.**

There is hereby created a railroad commission which shall consist of five members and which shall be known as the Railroad Commission of the State of California. The commission shall be appointed by the Governor from the State at large; *provided*, that the Legislature, in its discretion, may divide the State into districts for the purpose of such appointments, said districts to be as nearly equal in population as practicable;

\* \* \* \* \*

The Legislature shall fix the salaries of the commissioners, but pending such action the salaries of the commissioners, their officers and employees shall remain as now fixed by law. The Legislature shall have the power, by a two-thirds vote of all members elected to each house, to remove any one or more of said commissioners from office for dereliction of duty or corruption or incompetency.

\* \* \* \* \*

No provision of this Constitution shall be construed as a limitation upon the authority of the Legislature to confer upon the Railroad Commission additional powers of the same kind or different from those conferred herein which are not inconsistent with the powers conferred upon the Railroad Commission in this Constitution, and the authority of the Legislature to confer such additional powers is expressly declared to be plenary and unlimited by any provision of this Constitution. (*Constitution, art. XII, sec. 22.*)

**SEC. 86.****PUBLIC UTILITIES—SUPERVISION OF—LOCAL REGULATION.**

Every private corporation, and every individual or association of individuals, owning, operating, managing, or controlling any commercial railroad, interurban railroad, street railroad, canal, pipe line, plant, or equipment, or any part of such railroad, canal, pipe line, plant, or equipment within this State, for the transportation or conveyance of passengers, or express matter, or freight of any kind, including crude oil, or for the transmission of telephone or telegraph messages, or for the production, generation, transmission, delivery or furnishing of heat, light, water or power or for the furnishing of storage or wharfage facilities, either directly or indirectly, to or for the public, and every common carrier, is hereby declared to be a public utility subject to such control and regulation by the railroad commission as may be provided by the Legislature, and every class of private corporations, individuals, or associations of individuals hereafter declared by the Legislature to be public utilities shall likewise be subject to such control and regulation. The Railroad Commission shall have and exercise such power and jurisdiction to supervise and regulate public utilities in the State of California, and to fix the rates to be charged for commodities furnished, or services rendered by public utilities as shall be conferred upon it by the Legislature, and the right of the Legislature to confer powers upon the Railroad Commission respecting public utilities is hereby declared to be plenary and to be

unlimited by any provision of this Constitution. From and after the passage by the Legislature of laws conferring powers upon the Railroad Commission respecting public utilities, all powers respecting such public utilities vested in boards of supervisors, or municipal councils, or other governing bodies of the several counties, cities and counties, cities and towns, in this State, or in any commission created by law and existing at the time of the passage of such laws, shall cease so far as such powers shall conflict with the powers so conferred upon the Railroad Commission. \* \* \* (*Constitution, art. XII, sec. 23.*)

**SEC. 87.****LEGISLATURE MAY INVEST RAILROAD COMMISSION WITH POWER TO FIX COMPENSATION FOR TAKING PUBLIC UTILITY PROPERTY.**

The Railroad Commission shall have and exercise such power and jurisdiction as shall be conferred upon it by the Legislature to fix the just compensation to be paid for the taking of any property of a public utility in eminent domain proceedings by the State or any county, city and county, incorporated city or town, or municipal water district, and the right of the Legislature to confer such powers upon the Railroad Commission is hereby declared to be plenary and to be unlimited by any provision of this Constitution. All acts of the Legislature heretofore adopted, which are in accordance herewith, are hereby confirmed and declared valid. (*Constitution, art. XII, sec. 23a.*)

**SEC. 88.****DUTY ON LEGISLATURE TO ENFORCE ARTICLE.**

The Legislature shall pass all laws necessary for the enforcement of the provisions of this article. (*Constitution, art. XII, sec. 24.*)

**SEC. 89.****LEGISLATURE MAY PROVIDE TAXATION EXEMPTION IN CERTAIN CASES.**

All property in the State except as otherwise in this Constitution provided, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law, or as hereinafter provided.

\* \* \* \* \*

The Legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this State. (*Constitution, art. XIII, sec. 1.*)

**SEC. 90.****CONTRACT IMPAIRING POWER OF TAXATION FORBIDDEN.**

The power of taxation shall never be surrendered or suspended by any grant or contract to which the State shall be a party. (*Constitution, art. XIII, sec. 6.*)

**SEC. 91.****PAYMENT OF REAL PROPERTY TAXES BY INSTALLMENTS.**

The Legislature shall have the power to provide by law for the payment of all taxes on real property by installments. (*Constitution, art. XIII, sec. 7.*)

**SEC. 92.****TAXPAYER'S ANNUAL PROPERTY STATEMENT.**

The Legislature shall by law require each taxpayer in this State to make and deliver to the county assessor, annually, a statement, under oath, setting forth specifically all the real and personal property owned by such taxpayer, or in his possession, or under his control, at twelve o'clock meridian on the first Monday of March. (*Constitution, art. XIII, sec. 8.*)

**SEC. 93.****STATE AND COUNTY BOARDS OF EQUALIZATION.**

\* \* \* \* \*

The Legislature shall have power to redistrict the State into four districts, as nearly equal in population as practical, and to provide for the elections of members of said Board of Equalization. (*Constitution, art. XIII, sec. 9.*)

**SEC. 94.****PROPERTY, WHERE ASSESSED.**

All property, except as otherwise in this Constitution provided, shall be assessed in the county, city, city and county, town or township, or district in which it is situated, in the manner prescribed by law. (*Constitution, art. XIII, sec. 10.*)

**SEC. 95.****INCOME TAX MAY BE LEVIED.**

Income taxes may be assessed to and collected from persons, corporations, joint-stock associations, or companies resident or doing business in this State, or any one or more of them, in such cases and amounts, and in such manner, as shall be prescribed by law. (*Constitution, art. XIII, sec. 11.*)

**SEC. 96.****NO POLL TAX TO BE LEVIED.**

No poll tax or head tax for any purpose whatsoever shall be levied or collected in the State of California. (*Constitution, art. XIII, sec. 12.*)

**SEC. 97.****EXEMPTION OF CERTAIN TREES AND VINES.**

Fruit and nut bearing trees under the age of four years from the time of planting in orchard form, and grapevines under the age of three years from the time of planting in vineyard form, shall be exempt from taxation, and nothing in this article shall be construed as subjecting such trees and grapevines to taxation. (*Constitution, art. XIII, sec. 12½.*)

**SEC. 98.****LEGISLATURE TO PROVIDE FOR ENFORCEMENT.**

The Legislature shall pass all laws necessary to carry out the provisions of this article. (*Constitution, art. XIII, sec. 13.*)

**SEC. 99.****BASIS OF TAXATION FOR STATE PURPOSES.**

Taxes levied, assessed and collected as hereinafter provided upon railroads, etc., \* \* \* shall be entirely and exclusively for State purposes, and shall be levied, assessed and collected in the manner herein-after provided. \* \* \* All the provisions of this section shall be self-executing, and the Legislature shall pass all laws necessary to carry this section into effect, and shall provide for a valuation and assessment of the property enumerated in this section, and shall prescribe the duties of the State Board of Equalization and any other officers in connection with the administration thereof. The rates of taxation fixed in this section shall remain in force until changed by the Legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof. \* \* \* Until the year 1918 the State shall reimburse any and all counties which sustain loss of revenue by the withdrawal of railroad property from county taxation for the net loss in county revenue occasioned by the withdrawal of railroad property from county taxation. The Legislature shall provide for reimbursement from the general funds of any county to districts therein where loss is occasioned in such districts by the withdrawal from local taxation of property taxed for State purposes only. \* \* \* (*Constitution, art. XIII, sec. 14.*)

**SEC. 100.****HARBOR FRONTAGE SUBJECT TO EMINENT DOMAIN.**

The right of eminent domain is hereby declared to exist in the State to all frontages on the navigable waters of this State. (*Constitution, art. XIV, sec. 1.*)

**SEC. 101.****PEOPLE SHALL ALWAYS HAVE ACCESS TO NAVIGABLE WATERS.**

No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right of

way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable for the people thereof. (*Constitution, art. XIV, sec. 2.*)

**SEC. 102.****TIDE LANDS NOT TO PASS INTO PRIVATE HANDS.**

All tide lands within two miles of any incorporated city or town in this State, and fronting on the waters of any harbor, estuary, bay, or inlet, used for the purposes of navigation, shall be withheld from grant or sale to private persons, partnerships, or corporations. (*Constitution, art. XIV, sec. 3.*)

**SEC. 103.****LIMITATION OF STATE INDEBTEDNESS.**

The Legislature shall not, in any manner, create any debt or debts, liability or liabilities, which shall, singly or in the aggregate with any previous debts or liabilities, exceed the sum of three hundred thousand dollars, except in case of war to repel invasion or suppress insurrection, unless the same shall be authorized by law for some single object of work to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within seventy-five years of the time of the contracting thereof, and shall be irrepealable until the principal and interest thereon shall be paid and discharged and such law may make provision for a sinking fund to pay the principal of such debt or liability to commence at a time after the incurring of such debt or liability of not more than a period of one-fourth of the time of maturity of such debt or liability. \* \* \* The Legislature may, at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same. (*Constitution, art. XVI, sec. 1.*)

**SEC. 104.****EXEMPTIONS OF HOMESTEADS.**

The Legislature shall protect, by law, from forced sale, a certain portion of the homestead and other property of all heads of families. (*Constitution, art. XVII, sec. 1.*)

**SEC. 105.****HOLDING OF UNIMPROVED LANDS AGAINST PUBLIC INTEREST.**

The holding of large tracts of land, uncultivated and unimproved, by individuals or corporations, is against the public interest, and should be discouraged by all means not inconsistent with the rights of private property. (*Constitution, art. XVII, sec. 2.*)

**SEC. 106.****CONSTITUTION, HOW AMENDED.**

Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly, and if two-thirds of all the members elected to each of the two houses shall vote in favor thereof, such proposed amendment or amendments shall be entered in their journals, with the yeas and nays taken thereon; and it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people in such manner, and at such time, and after such publication as may be deemed expedient.

\* \* \* . \* \* \*

If the people shall approve and ratify such amendment or amendments, or any of them, by a majority of the qualified electors voting thereon, such amendment or amendments shall become a part of this Constitution. (*Constitution, art. XVIII, sec. 1.*)

**SEC. 107.****CONSTITUTIONAL CONVENTIONS.**

Whenever two-thirds of the members elected to each branch of the Legislature shall deem it necessary to revise this Constitution, they shall recommend to the electors to vote, at the next general election, for or against a convention for that purpose, and if a majority of the electors voting at such election on the proposition for a convention shall vote in favor thereof, the Legislature shall, at its next session, provide by law for calling the same. The convention shall consist of a number of delegates not to exceed that of both branches of the Legislature, who shall be chosen in the same manner, and have the same qualifications, as members of the Legislature. The delegates so elected shall meet within three months after their election, at such place as the Legislature may direct. (*Constitution, art. XVIII, sec. 2.*)

**SEC. 108.****POWER OF LEGISLATURE TO REGULATE ALIENS.**

The Legislature shall prescribe all necessary regulations for the protection of the State, and the counties, cities, and towns thereof, from the burdens and evils arising from the presence of aliens who are or may become vagrants, paupers, mendicants, criminals, or invalids afflicted with contagious or infectious diseases, and from aliens otherwise dangerous or detrimental to the well-being or peace of the State, and to impose conditions upon which such persons may reside in the State, and to provide the means and mode of their removal from the State, upon failure or refusal to comply with such conditions; *provided*, that nothing contained in this section shall be construed to impair or limit the power of the Legislature to pass such police laws or other regulations as it may deem necessary. (*Constitution, art. XIX, sec. 1.*)

**SEC. 109.****IMMIGRATION OF FOREIGNERS INELIGIBLE TO CITIZENSHIP TO BE  
DISCOURAGED.**

The presence of foreigners ineligible to become citizens of the United States is declared to be dangerous to the well-being of the State, and the Legislature shall discourage their immigration by all means within its power. Asiatic coolieism is a form of human slavery, and is forever prohibited in this State, and all contracts for coolie labor shall be void. All companies or corporations, whether formed in this country or any foreign country, for the importation of such labor, shall be subject to such penalties as the Legislature may prescribe. The Legislature shall delegate all necessary power to the incorporated cities and towns of this State for the removal of Chinese without the limits of such cities and towns, or for their location within prescribed portions of those limits, and it shall also provide the necessary legislation to prohibit the introduction into this State of Chinese after the adoption of this Constitution. This section shall be enforced by appropriate legislation. (*Constitution, art. XIX, sec. 4.*)

**SEC. 110.****OFFICIALS TO BE PROVIDED FOR BY LEGISLATURE.**

All officers or commissioners whose election or appointment is not provided for by this Constitution, and all officers or commissioners whose offices or duties may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct. (*Constitution, art. XX, sec. 4.*)

**SEC. 111.****FISCAL YEAR.**

The fiscal year shall commence on the first day of July. (*Constitution, art. XX, sec. 5.*)

**SEC. 112.****SUITS AGAINST STATE.**

Suits may be brought against the State in such manner and in such courts as shall be directed by law. (*Constitution, art. XX, sec. 6.*)

**SEC. 113.****DISQUALIFICATION FOR BRIBERY**

Every person shall be disqualified from holding any office of profit in this State who shall have been convicted of having given or offered a bribe to procure his election or appointment. (*Constitution, art. XX,*  
*sec. 10.*)

## SEC. 114.

## MISCONDUCT IN OFFICE—CORRUPT PRACTICES.

Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, persons convicted of bribery, perjury, forgery, malfeasance in office, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice. (*Constitution, art. XX, sec. 11.*)

## SEC. 115.

## ELECTION BY PLURALITY—MUNICIPAL REGULATIONS.

A plurality of the votes given at any election shall constitute a choice where not otherwise directed in this Constitution; *provided*, that it shall be competent in all charters of cities, counties or cities and counties framed under the authority of this Constitution to provide the manner in which their respective elective officers may be elected and to prescribe a higher proportion of the vote therefor; *and provided, also*, that it shall be competent for the Legislature by general law to provide the manner in which officers of municipalities organized or incorporated under general laws may be elected and to prescribe a higher proportion of the vote therefor. (*Constitution, art. XX, sec. 13.*)

## SEC. 116.

## STATE BOARD OF HEALTH.

The Legislature shall provide, by law, for the maintenance and efficiency of a state board of health. (*Constitution, art. XX, sec. 14.*)

## SEC. 117.

## MECHANICS' LIENS.

Mechanics, materialmen, artisans, and laborers of every class shall have a lien upon the property upon which they have bestowed labor or furnished material, for the value of such labor done and material furnished; and the Legislature shall provide, by law, for the speedy and efficient enforcement of such liens. (*Constitution, art. XX, sec. 15.*)

## SEC. 118.

## TERM OF OFFICE WHEN NOT FIXED BY CONSTITUTION.

When the term of any officer or commissioner is not provided for in this Constitution, the term of such officer or commissioner may be declared by law. \* \* \* (*Constitution, art. XX, sec. 16.*)

**SEC. 119.****EIGHT-HOUR DAY ON PUBLIC WORK.**

The time of service of all laborers or workmen or mechanics employed upon any public works of the State of California, or of any county, city and county, city, town, district, township, or any other political subdivision thereof, whether said work is done by contract or otherwise, shall be limited and restricted to eight hours in any one calendar day, except in cases of extraordinary emergency caused by fire, flood, or danger to life and property, or except to work upon public, military, or naval works or defenses in time of war, and the Legislature shall provide by law that a stipulation to this effect shall be incorporated in all contracts for public work, and prescribe proper penalties for the speedy and efficient enforcement of said law. (*Constitution, art. XX, sec. 17.*)

**SEC. 120.****MINIMUM WAGE FOR WOMEN AND MINORS.**

The Legislature may, by appropriate legislation, provide for the establishment of a minimum wage for women and minors and may provide for the comfort, health, safety and general welfare of any and all employees. No provision of this Constitution shall be construed as a limitation upon the authority of the Legislature to confer upon any commission now or hereafter created, such power and authority as the Legislature may deem requisite to carry out the provisions of this section. (*Constitution, art. XX, sec. 17½.*)

**SEC. 121.****WORKMEN'S COMPENSATION—LABOR DISPUTES.**

The Legislature may by appropriate legislation create and enforce a liability on the part of all employers to compensate their employees for any injury incurred by the said employees in the course of their employment, irrespective of the fault of either party. The Legislature may provide for the settlement of any disputes arising under the legislation contemplated by this section, by arbitration, or by an industrial accident board, by the courts, or by either any or all of these agencies, anything in this Constitution to the contrary notwithstanding. (*Constitution, art. XX, sec. 21.*)

**SEC. 122.****THE RECALL.**

Every elective public officer of the State of California may be removed from office at any time by the electors entitled to vote for a successor of such incumbent, through the procedure and in the manner herein provided for, which procedure shall be known as the recall, and is in addition to any other method of removal provided by law.

\* \* \* \* \*

No recall petition shall be circulated or filed against any officer until he has actually held his office for at least six months; save and except it may be filed against any member of the State Legislature at any time after five days from the convening and organizing of the Legislature after his election.

If at any recall election the incumbent whose removal is sought is not recalled, he shall be repaid from the State treasury any amount legally expended by him as expenses of such election, and the Legislature shall provide appropriation for such purpose, and no proceedings for another recall election of said incumbent shall be initiated within six months after such election.

\* \* \* \* \*

In the submission to the electors of any petition proposed under this article all officers shall be guided by the general laws of the State, except as otherwise herein provided.

This article is self-executing, but legislation may be enacted to facilitate its operation, but in no way limiting or restricting the provisions of this article or the powers herein reserved. (*Constitution, art. XXIII, sec. 1.*)

## CHAPTER III.

### DRAFTING AND INTRODUCTION OF BILLS.

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**PART I. GENERAL CONSTITUTIONAL AND CODE PROVISIONS REGARDING BILL DRAFTING.**

**SEC. 123.**

**CONSTRUCTION OF THE CODES.**

The rule of the common law that statutes in derogation thereof are to be strictly construed, has no application to these codes. The codes establish the law of this State respecting the subjects to which they relate, and their provisions and all proceedings under them are to be liberally construed, with a view to effect its objects and to promote justice. (*Political Code*, sec. 4; *Civil Code*, sec. 4; *Code of Civil Procedure*, sec. 4; *Penal Code*, sec. 4.)

**SEC. 124.**

**PROVISIONS SIMILAR TO LAWS EXISTING AT THE TIME OF THE ADOPTION OF THE CODES, HOW CONSTRUED.**

The provisions of these codes, so far as they are substantially the same as statutes existing at the time of the enactment of the codes, must be construed as continuations thereof, and not as new enactments. (*Political Code*, sec. 5; *Code of Civil Procedure*, sec. 5; *Civil Code*, sec. 5; *Penal Code*, sec. 5.)

**SEC. 125.**

**WORDS AND PHRASES.**

Words and phrases are construed according to the context and the approved usage of the language; but technical words and phrases, and such others as have acquired a peculiar and appropriate meaning in

law, or are defined in the succeeding section, are to be construed according to such peculiar and appropriate meaning or definition. (*Political Code*, sec. 16; *Civil Code*, sec. 13; *Code of Civil Procedure*, sec. 16.)

**SEC. 126.****CERTAIN TERMS USED IN THE CODES DEFINED.**

Words used in this code in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular; the word "person" includes a corporation as well as a natural person; writing includes printing and typewriting; oath includes affirmation or declaration; every mode of oral statement under oath or affirmation is embraced by the term "testify," and every written one in the term "depose"; signature or subscription includes mark, when the person can not write, his name being written near it by a person who writes his own name as a witness; *provided*, that when a signature is made by mark it must, in order that the same may be acknowledged or serve as the signature to any sworn statement, be witnessed by two persons who must subscribe their own names as witnesses thereto.

The following words, also, have in this code the signification attached to them in this section, unless otherwise apparent from the context:

1. The word "property" includes both real and personal property;
2. The words "real property" are co-extensive with lands, tenements, and hereditaments;
3. The words "personal property" include money, goods, chattels, things in action, and evidences of debt;
4. The word "month" means a calendar month, unless otherwise expressed;
5. The word "will" includes codicil;
6. The word "writ" signifies an order or precept in writing, issued in the name of the people, or of a court or judicial officer, and the word "process" a writ or summons issued in the course of judicial proceedings;
7. The word "vessel," when used with reference to shipping, includes ships of all kinds, steamboats, and steamships, canal boats, barges, and every structure adapted to be navigated from place to place for the transportation of merchandise or persons;
8. The term "peace officer" signifies any one of the officers mentioned in section eight hundred and seventeen of the Penal Code;
9. The term "magistrate" signifies any one of the officers mentioned in section eight hundred and eight of the Penal Code;
10. The word "state," when applied to the different parts of the United States, includes the District of Columbia and the territories; and the words "United States" may include the districts and territories.
11. The word "section" whenever used in this code refers to a section of this code, unless some other code or statute is expressly mentioned. (*Political Code*, sec. 17; *Civil Code*, sec. 14; *Code of Civil Procedure*, sec. 17; *Penal Code*, sec. 7.)

**SEC. 127.****CERTAIN STATUTES PRESERVED AFTER ADOPTION OF THE CODES.**

Nothing in either of the four codes affects any of the provisions of certain statutes, but such statutes are recognized as continuing in force, notwithstanding the provisions of the codes, except so far as they have been repealed or affected by subsequent laws. (For complete list of exempted statutes, see *Political Code*, sec. 19 and *Penal Code*, sec. 23.)

**SEC. 128.****THE CODES—HOW CITED, ETC.**

The codes, whenever cited, enumerated, referred to, or amended, may be designated simply as The Political Code, The Civil Code, etc., adding, whenever necessary, the number of the section. (*Political Code*, sec. 20; *Civil Code*, sec. 21; *Code of Civil Procedure*, sec. 19; *Penal Code*, sec. 24.)

**SEC. 129.****ENACTING CLAUSE.**

\* \* \* The enacting clause of every law shall be "The people of the State of California do enact as follows: \* \* \*" (*Constitution*, art. IV, sec. 1.)

**SEC. 130.****ORIGIN AND PASSAGE OF BILLS.**

No law shall be passed except by bill. \* \* \* Any bill may originate in either house, but may be amended or rejected by the other; \* \* \* and no bill shall become a law without the concurrence of a majority of the members elected to each house. (*Constitution*, art. IV, sec. 15.)

**SEC. 131 $\frac{1}{4}$ .****REQUIREMENTS FOR TITLE OF BILL.**

The title of every bill introduced shall convey an accurate idea of the contents of the bill and shall be indicative of the scope of the act and the object to be accomplished. In amending a code section, the mere reference to the section by number shall not be deemed sufficient. (*Joint Rule No. 7.*)

**SEC. 131 $\frac{1}{2}$ .****DIVISION OF BILL INTO SECTIONS.**

Bills amending more than one section of existing laws shall contain a separate section for each section amended.

Bills which are not amendatory of existing laws shall be divided into short sections, where this can be done without destroying the sense of any particular section, to the end that future amendments may be made without the necessity of setting forth and repeating sections of unnecessary length. (*Joint Rule No. 8.*)

**SEC. 131.****TITLE OF LAWS—REVISION AND AMENDMENT.**

Every act shall embrace but one subject, which subject shall be expressed in its title. But if any subject shall be embraced in an act which shall not be expressed in its title, such act shall be void only as to so much thereof as shall not be expressed in its title. No law shall be revised or amended by reference to its title; but such act revised or section amended shall be re-enacted and published at length as revised or amended; and all laws of the State of California, and all official writings, and the executive, legislative, and judicial proceedings shall be conducted, preserved, and published in no other than the English language. (*Constitution, art. IV, sec. 24.*)

**SEC. 132.****LOCAL AND SPECIAL LAWS PROHIBITED.**

Section 25 of article IV of the Constitution prohibits the passage by the Legislature of local or special laws in a long list of enumerated instances.

**SEC. 133.****AID TO LOTTERIES PROHIBITED.**

The Legislature shall have no power to authorize lotteries or gift enterprises for any purpose. \* \* \* (*Constitution, art. IV, sec. 26.*)

**SEC. 134.****EFFECT OF AMENDMENT.**

Where a section or part of a statute is amended, it is not to be considered as having been repealed and re-enacted in the amended form; but the portions which are not altered are to be considered as having been the law from the time when they were enacted, and the new provisions are to be considered as having been enacted at the time of the amendment. (*Political Code, sec. 325.*)

**SEC. 135.****CONSTRUCTION OF STATUTES.**

The general rules for the construction of statutes are contained in the preliminary provisions of the different codes. (*Political Code, sec. 326.*)

**SEC. 136.****REPEAL OF STATUTES.**

Any statute may be repealed at any time, except when it is otherwise provided therein. Persons acting under any statute are deemed to have acted in contemplation of this power of repeal. (*Political Code, sec. 327.*)

**SEC. 137.****ACT REPEALED NOT REVIVED BY REPEAL OF REPEALING ACT.**

No act or part of an act, repealed by another act of the Legislature, is revived by the repeal of the repealing act without express words reviving such repealed act or part of an act. (*Political Code, sec. 328.*)

**SEC. 138.****AMENDATORY ACT—WHEN VOID.**

An act amending a section of an act repealed is void. (*Political Code, sec. 330.*)

**SEC. 139.****WHEN STATUTES TAKE EFFECT—THE URGENCY SECTION.**

No act passed by the Legislature shall go into effect until ninety days after the final adjournment of the Legislature which passed such act, except acts calling elections, acts providing for tax levies or appropriations for the usual current expenses of the State, and urgency measures necessary for the immediate preservation of the public peace, health, or safety, passed by a two-thirds vote of all of the members elected to each house. Whenever it is deemed necessary for the immediate preservation of the public peace, health or safety that a law shall go into immediate effect, a statement of the facts constituting such necessity shall be set forth in one section of the act, which section shall be passed only upon a yea and nay vote, upon a separate roll-call thereon; *provided, however,* that no measure creating or abolishing any office or changing the salary, term or duties of any officer, or granting any franchise or special privilege, or creating any vested right or interest, shall be construed to be an urgency measure. Any law so passed by the Legislature and declared to be an urgency measure shall go into immediate effect. (*Constitution, art. IV, sec. 1, par. 4.*)

**SEC. 140.****WHEN JOINT RESOLUTIONS TAKE EFFECT.**

Every joint resolution, unless a different time is prescribed therein, takes effect from its passage. (*Political Code, sec. 324.*)

**PART II. DRAFTING OF APPROPRIATION BILLS.****SEC. 141.****APPROPRIATIONS—HOW MADE.**

No money shall be drawn from the treasury but in consequence of appropriations made by law, and upon warrants duly drawn thereon by the Controller; and no money shall ever be appropriated or drawn from the State treasury for the purpose or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a State institution, nor shall any grant or donation of property ever be made thereto by the State; *provided,* that notwithstanding anything contained in this or any other section of this Constitution, the Legislature shall have the power to grant aid to the institutions conducted for the support and maintenance of minor orphans, or half orphans, or abandoned children, or aged persons in indigent circumstances—such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions; *provided, further,* that the State shall have at any time the right to inquire into the management of such institution; *provided,*

*further, that whenever any county, or city and county, or city or town, shall provide for the support of minor orphans, or half orphans, or abandoned children or aged persons in indigent circumstances, such county, city and county, city, or town shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church or other control. An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature. \* \* \* (Constitution, art. IV, sec. 22.)*

**SEC. 142.****GENERAL APPROPRIATION BILL—WHAT TO CONTAIN.**

The General Appropriation Bill shall contain no item or items of appropriation other than such as are required to pay the salaries of the State officers, the expenses of the government, and of the institutions under the exclusive control and management of the State. (Constitution, art. IV, sec. 29.)

**SEC. 143.****SPECIAL APPROPRIATION BILL—RESTRICTED TO ONE ITEM.**

No bill making an appropriation of money, except the general appropriation bill, shall contain more than one item of appropriation and that for one single and certain purpose to be therein expressed. (Constitution, art. IV, sec. 34.)

**SEC. 144.****RESTRICTION ON APPROPRIATIONS AND GRANTS OF AID.**

The Legislature shall not make an appropriation or pay from any public fund whatever, or grant anything to or in aid of any religious sect, church, creed, or sectarian purpose, or help to support or sustain any school, college, university, hospital, or other institution controlled by any religious creed, church, or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the State for any religious creed, church, or sectarian purpose whatever; *provided*, that nothing in this section shall prevent the Legislature granting aid pursuant to section twenty-one of this article. (Constitution, art. IV, sec. 30.)

**SEC. 145.****EXTRA COMPENSATION AND PAYMENT WITHOUT EXPRESS SANCTION OF LAW PROHIBITED.**

The Legislature shall have no power to grant, or authorize any county or municipal authority to grant, any extra compensation or allowance to any public officer, agent, servant, or contractor, after service has been rendered, or a contract has been performed in whole or in part, nor to pay, or to authorize the payment of, any claim hereafter created against the State, or any county or municipality of the State, under any agreement or contract made without the express authority of the law; and all such unauthorized agreements or contracts shall be null and void. (Constitution, art. IV, sec. 32.)

**SEC. 146.****PREPARATION OF STATE BUDGET—CONTROLLER TO SEND OUT BLANKS  
TO BE FILLED BY HEADS OF DEPARTMENTS.**

Not less than forty days before the beginning of each regular session of the Legislature the Controller of State shall send to the head of each administrative department of the State government and to each board or commission in charge of any educational, charitable, penal or other institution supported wholly or in part by appropriation from the State treasury, a blank form, to be filled out by such head of department, board or commission with an itemized statement of the amounts of money which, in the opinion of such head of department, board, or commission, will be required for the proper support, maintenance, extension or improvement of the department or institution in his or their charge during the two fiscal years next ensuing. The officers, boards and commissions receiving such blank forms shall return them, properly filled out and accompanied by such brief explanatory statements as they may deem proper, to the Controller not less than fifteen days before the opening of the regular session of the Legislature. (*Political Code*, sec. 241.)

**SEC. 147.****SAME—CONTROLLER TO SEND OUT BLANKS TO SENATORS AND  
MEMBERS-ELECT OF LEGISLATURE.**

The Controller of State shall, in similar manner, send a blank form to each senator and each member-elect of the Legislature, and such senator or member-elect shall in like manner return to the Controller these blanks with entries showing the appropriations which such senator or member-elect intends to propose to the Legislature. (*Political Code*, sec. 242.)

**SEC. 148.****SAME—CLAIMS AGAINST STATE TO BE FILED WITH CONTROLLER.**

Any person having a claim against the State, which requires action by the Legislature, shall file with the Controller a statement of the amount of such claim, together with a brief statement of the facts upon which it is based, not less than twenty days before the opening of the regular session of the Legislature. (*Political Code*, sec. 243.)

**SEC. 149.****SAME—CONTROLLER TO FURNISH TABULATED STATEMENT.**

Within ten days after the opening of each regular session the Controller shall furnish to the Governor and to each member of the Legislature a tabulated account of the various amounts requested in the statements returned to him in accordance with sections two hundred forty-one and two hundred forty-two, and a list of the private claims filed under section two hundred forty-three. Such account shall show the several amounts asked for, the total for each department of [each] institution, the grand total, and a brief description of the purpose for each proposed appropriation. (*Political Code*, sec. 244.)

**SEC. 150.****FORM OF APPROPRIATION BILL.****SENATE<sup>1</sup> BILL**

No.....

INTRODUCED BY SENATOR<sup>2</sup>.....

....., 19.....

REFERRED TO COMMITTEE ON.....

**AN ACT**

**To APPROPRIATE MONEY FOR THE USE OF THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA IN THE CONTROL OF PUBLIC UTILITIES WITHIN INCORPORATED MUNICIPALITIES.**

*The people of the State of California do enact as follows:*

SECTION 1. The sum of two hundred thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used by the railroad commission of the State of California in the control of public utilities within incorporated municipalities.

**EXPLANATORY NOTE.**

<sup>1</sup>Or Assembly.

<sup>2</sup>Or Mr.

**PART III. DRAFTING OF CODE SECTIONS AND GENERAL****SEC. 151.****CHANGES FROM CODE TO BE MARKED BY AUTHOR.**

In case of a bill amending a code section or general law, all omissions must be shown by the insertion of heavy parentheses or brackets, without including the omitted matter; all additions must be shown by underlining the new matter. When printed, the new matter so underlined shall be enclosed in heavy brackets in the printed bill, and also heavy brackets shall be retained to show omissions. (*Joint Rule No. 9.*)

The Committee on Revision and Printing shall see to it that Rules 7 and 9 of these Joint Rules are observed by the author, and that the bill shall not be sent to the printer until the provisions of these rules have been carried out. (*Joint Rule No. 11.*)

**SENATE<sup>1</sup> BILL**

No.....

INTRODUCED BY SENATOR<sup>2</sup>.....

....., 19.....

REFERRED TO COMMITTEE ON.....

**AN ACT**

**To AMEND THE CIVIL CODE OF THE STATE OF CALIFORNIA BY ADDING THERETO A NEW SECTION TO BE NUMBERED SIX HUNDRED FORTY-TWO *a*, RELATING TO**

*The people of the State of California do enact as follows:*

SECTION 1. A new section is hereby added to the Civil Code to be numbered section six hundred forty-two *a* and to read as follows:

64*a*. \* \* \*

**EXPLANATORY NOTE.**

<sup>1</sup>Or Assembly.

<sup>2</sup>Or Mr.

**SEC. 153.****FORM FOR BILL AMENDING AN EXISTING CODE SECTION.****SENATE<sup>1</sup> BILL****No.....**INTRODUCED BY SENATOR<sup>2</sup>.....

....., 19.....

REFERRED TO COMMITTEE ON.....

**AN ACT****TO AMEND SECTION ONE THOUSAND FOUR HUNDRED ONE OF THE CIVIL CODE,  
RELATING TO.....***The people of the State of California do enact as follows:***SECTION 1.** Section one thousand four hundred one of the Civil Code of the State of California is hereby amended so as to read when amended as follows:  
1401. \* \* \*

EXPLANATORY NOTE.

<sup>1</sup>Or Assembly.<sup>2</sup>Or Mr.**SEC. 154.****FORM FOR BILL REPEALING A CODE SECTION.****SENATE<sup>1</sup> BILL****No.....**INTRODUCED BY SENATOR<sup>2</sup>.....

....., 19.....

REFERRED TO COMMITTEE ON.....

**AN ACT****TO REPEAL SECTION THREE THOUSAND SIX HUNDRED SIXTY-FOUR OF THE POLITICAL  
CODE RELATING TO.....***The people of the State of California do enact as follows:***SECTION 1.** Section three thousand six hundred sixty-four of the Political Code is hereby repealed.

EXPLANATORY NOTE.

<sup>1</sup>Or Assembly.<sup>2</sup>Or Mr.**SEC. 155.****FORM OF BILL AMENDING A GENERAL LAW.****SENATE<sup>1</sup> BILL****No.....**INTRODUCED BY SENATOR<sup>2</sup>.....

....., 19.....

REFERRED TO COMMITTEE ON.....

**AN ACT****TO AMEND SECTIONS ONE, TWO, THREE, FOUR AND FIVE OF AN ACT ENTITLED "AN  
ACT TO PROVIDE FOR LOCAL IMPROVEMENTS UPON STREETS, LANES, ALLEYS,  
COURTS, PLACES, AND SIDEWALKS, AND FOR THE CONSTRUCTION OF SEWERS  
WITHIN MUNICIPALITIES. SUCH ACT TO BE KNOWN AS 'THE LOCAL IMPROVE-  
MENT ACT OF 1901,'" APPROVED FEBRUARY 26, 1901.***The people of the State of California do enact as follows:***SECTION 1.** Section one of an act entitled "An act to provide for local improvements upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, such act to be known as 'The local improvement act of 1901,'" approved February 26, 1901, is hereby amended to read as follows:

Section 1. ....

Sec. 2. Section two of said act is hereby amended to read as follows:

Sec. 2. ....

EXPLANATORY NOTE.

<sup>1</sup>Or Assembly.<sup>2</sup>Or Mr.

## SEC. 156.

## FORM FOR NEW GENERAL LAW.

SENATE<sup>1</sup> BILL

No.....

INTRODUCED BY SENATOR<sup>2</sup>.....

....., 19.....

REFERRED TO COMMITTEE ON.....

## AN ACT

**To MAKE LAWFUL CERTAIN AGREEMENTS BETWEEN EMPLOYEES AND LABORERS, AND  
TO LIMIT THE ISSUING OF INJUNCTIONS IN CERTAIN CASES.**

*The people of the State of California do enact as follows:*

SECTION 1. It shall not be unlawful for persons employed or seeking employment to enter into any arrangements, agreements, or combinations with the view of lessening the hours of labor or of increasing their wages or bettering their condition; and no restraining order or injunction shall be granted by any court of the commonwealth or by any judge thereof in any case between an employer and employees, or between employers and employees, or between persons employed and persons seeking employment, involving or growing out of a dispute concerning terms or conditions of employment, or because of any act or acts done in pursuance thereof, unless such order or injunction be necessary to prevent irreparable injury to property or to a property right of the party making the application, for which there is no adequate remedy at law; and such property or property right shall be particularly described in the application, which shall be sworn to by the applicant or by his agent or attorney.

SEC. 2. In construing this act, the right to enter into the relation of employer and employee, to change that relation, and to assume and create a new relation for employer and employee, and to perform and carry on business in such relation with any person in any place, or to do work and labor as an employee, shall be held and construed to be a personal and not a property right. In all cases involving the violation of the contract of employment, either by the employee or employer where no irreparable damage is about to be committed upon the property or property right of either, no injunction shall be granted, but the parties shall be left to their remedy at law.

SEC. 3. No persons who are employed or seeking employment or other labor shall be indicted, prosecuted, or tried in any court for entering into any arrangement, agreement, or combination between themselves as such employees or laborers, made with a view of lessening the number of hours of labor or increasing their wages or bettering their condition, or for any act done in pursuance thereof, unless such act is in itself unlawful.

## EXPLANATORY NOTE.

<sup>1</sup>Or Assembly.<sup>2</sup>Or Mr.

## SEC. 157.

## FORM FOR BILL WITH URGENCY SECTION.

SENATE<sup>1</sup> BILL

No.....

INTRODUCED BY SENATOR<sup>2</sup>.....

....., 19.....

REFERRED TO COMMITTEE ON.....

## AN ACT

**AUTHORIZING THE STATE BOARD OF PRISON DIRECTORS TO FIX THE PRICE, TERMS AND CONDITIONS OF SALE AT WHICH JUTE BAGS SHOULD BE SOLD FOR THE STATE, PROVIDING FOR THE PROSECUTION AND PUNISHMENT FOR OFFENSES UNDER THE SAME, AND REPEALING AN ACT ENTITLED "AN ACT FIXING THE PRICE, TERMS AND CONDITIONS OF SALE AT WHICH JUTE GOODS SHALL BE SOLD BY THE STATE, AND PROVIDING FOR PROSECUTION AND PUNISHMENT FOR OFFENSES UNDER THE SAME," APPROVED JUNE 16, 1913, AND ALL ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH.**

*The people of the State of California do enact as follows:*

SECTION 1. The state board of prison directors are authorized and empowered to adopt rules and regulations of the sale of jute goods, but such rules

and regulations, before they become effective, shall be approved by a majority of the state board of control. The state board of prison directors shall annually, in the month of January of each year fix the price, for the sale of jute bags, and give public notice of the same, for at least ten days in at least four newspapers of general circulation printed and published as follows, to wit: one in the city and county of San Francisco, one in the San Joaquin valley, one in the Salinas valley, and one in the Sacramento valley. Until the first day of April of each year, jute bags shall be sold only to consumers thereof, but after said date, if a surplus of said jute bags remain unsold, they may be sold to anyone in such quantities and at such prices as the board of prison directors in their discretion may deem proper.

SEC. 2. All orders for jute bags filed with the board of prison directors prior to the first day of April of each year, shall be accompanied by an affidavit setting forth the name, residence, postoffice address and occupation of the applicant; that the amount of goods contained in the order are for the applicant's individual and personal use, and that he has not contracted for, nor agreed to contract for the sale of any portion thereof to any person or persons whatsoever. Said affidavit shall be subscribed and sworn to before a notary public, justice of the peace, or other officer authorized to administer oaths.

SEC. 3. Any person who shall falsely or fraudulently make such affidavit, or who shall falsely or fraudulently procure jute bags under the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than two hundred dollars.

SEC. 4. The board of prison directors shall keep at the San Quentin prison a book for public inspection, in which shall be entered the number of jute bags, the amount of jute goods manufactured each year, and also the name of each purchaser, his post office address, his occupation, number of jute bags or jute goods purchased by him, and the price paid by him therefor and the date of sale and the place to which shipment is made.

SEC. 5. An Act entitled "An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the state, and providing for prosecution and punishment for offense under the same"; approved June 16, 1913, and all other acts and parts of acts in conflict with this act are hereby repealed.

SEC. 6. This act is hereby declared to be an urgency measure within the meaning of section one of article four of the constitution of the State of California and shall take effect immediately. The following is a statement of facts constituting such urgency: Since the fixing of the present price of jute goods manufactured in the state prison, the market price has fallen on account of financial conditions incident to the European war, and the state has been, now is, and, until the taking effect of this act, will be able so to change the price of said goods as to be able to sell or dispose of any portion thereof. The state now has in stock over two hundred fifty thousand dollars worth of such jute goods, which it is the purpose and effect of this act to enable the state, acting through its board of prison directors, to sell, in order that the moneys now invested in said goods may be rendered available for the use and support of the state prison.

#### EXPLANATORY NOTE.

<sup>1</sup>Or Assembly.

<sup>2</sup>Or Mr.

### PART IV. DRAFTING OF CONSTITUTIONAL AMENDMENTS AND JOINT AND CONCURRENT RESOLUTIONS.

N. B.—For constitutional provisions regarding the adoption of constitutional amendments, see sec. 106, *ante*. For provisions regarding preparation of arguments for and against amendments adopted by the Legislature, see sec. 442½, *post*.

#### SEC. 158.

##### CONSTITUTIONAL AMENDMENTS, AND JOINT AND CONCURRENT RESOLUTIONS, HOW DISTINGUISHED FROM BILLS.

Joint resolutions, concurrent resolutions, and constitutional amendments shall be treated in all respects as bills; except that they shall

be read but one time in each house; and that they shall not be deemed bills within the meaning of section 2 of article IV of the Constitution and shall not be referred to the committee on introduction of bills, and shall not require a vote to authorize their introduction. As in the case of bills, they shall be engrossed in the house in which they originate before being voted upon. (*Joint Rule No. 6.*)

**SEC. 159.****JOINT AND CONCURRENT RESOLUTIONS DISTINGUISHED.**

Joint resolutions are those which relate to matters connected with the federal government. All other resolutions relating to matters to be treated by both houses of the Legislature are concurrent resolutions. (*Joint Rule No. 5.*)

**SEC. 160.****FORM FOR CONSTITUTIONAL AMENDMENT.**

**SENATE<sup>2</sup> CONSTITUTIONAL AMENDMENT** No.....  
**OFFERED BY SENATOR<sup>1</sup>** ....., 19.....

**REFERRED TO COMMITTEE ON.....**

**SENATE<sup>2</sup> CONSTITUTIONAL AMENDMENT** No.....

**RESOLUTION TO PROPOSE TO THE PEOPLE OF THE STATE OF CALIFORNIA AN AMENDMENT TO SECTION ONE, OF ARTICLE SIX, OF THE CONSTITUTION OF THE STATE OF CALIFORNIA IN RELATION TO THE JUDICIAL POWER OF THE STATE.**

The legislature of the State of California, at its regular session commencing on the ..... day of January, 19....., two-thirds of the members elected to each of the two houses of the said legislature voting in favor thereof, hereby proposes that section 1 of article six of the constitution of the State of California be amended to read as follows:

**SECTION 1.** The judicial power of the state shall be vested in the Senate, sitting as a court of impeachment, in a supreme court, district courts of appeal, state commerce court, superior courts, justices of the peace, and such inferior courts as the legislature may establish in any incorporated city or town, or city and county.

**EXPLANATORY NOTE.**

<sup>1</sup>Or Mr.

<sup>2</sup>Or Assembly.

**SEC. 161.****FORM FOR JOINT RESOLUTION.**

**SENATE<sup>1</sup> JOINT RESOLUTION** No.....  
**OFFERED BY SENATOR<sup>2</sup>** ....., 19.....

**REFERRED TO COMMITTEE ON.....**

**SENATE<sup>1</sup> JOINT RESOLUTION** No.....

**RELATIVE TO THE CONTINUATION BY THE UNITED STATES OF SURVEYS FOR THE CONSTRUCTION OF STORAGE RESERVOIRS FOR THE IMPOUNDING OF FLOOD WATERS IN THE SIERRA NEVADA MOUNTAINS IN THE STATE OF CALIFORNIA, AND ASKING THAT AN APPROPRIATION BE MADE FOR FORWARDING THE WORK AS SPEEDILY AS POSSIBLE.**

**WHEREAS,** The United States government has for several years past been securing data through geological survey and the reclamation service concerning the watersheds of the west slope of the Sierra Nevada mountains and the construction of storage reservoirs for the conservation of flood waters in the winter and spring, and

**WHEREAS,** The Sacramento and San Joaquin valleys, of which these watersheds form the eastern rim, constitute a large body of the most fertile land to

be found in any country, rivaling the far-famed valley of the Nile in productivity and capable of supporting a population of several millions when properly reclaimed and settled, and

WHEREAS, In times of heavy snowfall and rainfall, the volume of water coming down into the valleys is a continual menace to the rich lands adjacent to the Sacramento and San Joaquin rivers, thousands of acres of which are flooded in years of heavy rainfall, and

WHEREAS, In the report of the reclamation service for the year 1907 the statement is made that if storage reservoirs were constructed at the sites surveyed, it would greatly simplify the drainage problems of the Sacramento and San Joaquin rivers and the lower Sacramento valley by reducing the flood flow in the rivers, and

WHEREAS, The flood waters so impounded would be of the greatest value to the Sacramento and San Joaquin valleys, and the State of California by being used for irrigation instead of being allowed to flow to the ocean, often doing incalculable damage to the valleys, 800,000 acres of the low-lands of which having been flooded in 1904; therefore be it

*Resolved by the senate and the assembly jointly.* That the legislature of the State of California, memorializes the congress of the United States for the continuation of said work of surveying and constructing such storage reservoirs in the watersheds of the western slope of said Sierra Nevada mountains on the tributaries of the Feather, Yuba and American rivers and other tributaries of the Sacramento and San Joaquin rivers, carry out all measures necessary for such work and making an appropriation of sufficient size to forward it as the more speedily solved; and be it further

*Resolved,* That the secretary of the interior be requested to take the necessary measures for hastening the survey and construction of such reservoirs, in order to impound such flood waters and enable the problem of improvement and restraint of the Sacramento and San Joaquin rivers to be more speedily solved; and be it further

*Resolved,* That the senators and representatives in congress from the State of California be requested to use all honorable means to secure the action desired in this matter for the purpose aforesaid; and be it further

*Resolved,* That a copy of these resolutions be forwarded to the president of the United States, the secretary of the interior, the secretary of agriculture, the respective houses in congress and to each of the senators and representatives in congress from the State of California, including those to assume office on March 4, 1913.

#### EXPLANATORY NOTE.

<sup>1</sup>Or Assembly.

<sup>2</sup>Or Mr.

#### SEC. 162.

#### FORM FOR CONCURRENT RESOLUTION.

SENATE <sup>1</sup> CONCURRENT RESOLUTION OFFERED BY SENATOR <sup>2</sup> .....	No.....
--	---------

....., 19.....

SENATE<sup>1</sup> CONCURRENT RESOLUTION No. .....

RELATIVE TO INAUGURAL CEREMONIES.

*Resolved by the senate, the assembly concurring,* That a committee of three members of the senate be appointed to confer with a committee of four members of the assembly to make arrangements for the inaugural ceremonies, said committee to be appointed by the president of the senate and the speaker of the assembly, respectively, and to have full power to act in the premises; any expense to be paid equally by the senate and assembly out of the several contingent funds, and not to exceed in the aggregate, the sum of five hundred dollars.

#### EXPLANATORY NOTE.

<sup>1</sup>Or Assembly.

<sup>2</sup>Or Mr.

**PART V. INTRODUCTION OF BILLS.**

(Under prescribed rules adopted by Senate or Assembly or jointly.)

**SEC. 163.**

**USE OF WORD "BILL."**

Whenever the word "bill" is used in these rules it shall include constitutional amendments, joint and concurrent resolutions. (*Joint Rule No. 4.*)

**SEC. 164.**

**ENDORSEMENT OF BILLS.**

Bills introduced in either house shall be endorsed with the date of introduction. (*Joint Rule No. 13.*)

**SEC. 165.**

**JOINT RESOLUTIONS TREATED AS BILLS.**

Joint resolutions, concurrent resolutions, and constitutional amendments shall be treated in all respects as bills; except that they shall be read but one time in each house; and that they shall not be deemed bills within the meaning of section 2 of article IV of the constitution and shall not be referred to the committee on introduction of bills, and shall not require a vote to authorize their introduction. As in the case of bills, they shall be engrossed in the house in which they originate before being voted upon. (*Joint Rule No. 6.*)

**SEC. 166.**

**INTRODUCING A BILL.**

Any member desiring to introduce a bill shall rise in his place and address the presiding officer, and upon being recognized shall present the same. The title shall be announced by the Secretary (or Chief Clerk), the bill shall be read the first time and thereupon referred by the presiding officer to a standing committee. (*Senate Rule No. 21. Assembly Rule No. 30.*)

**SEC. 167.**

**INTRODUCTION OF BILLS BY COMMITTEE.**

Any committee may introduce a bill germane to any subject within the proper consideration of such committee, whereupon the bill shall immediately be read the first time, ordered to print and placed upon the second-reading file. (*Senate Rule No. 23. Assembly Rule No. 33.*)

**SEC. 168.**

**INTRODUCTION OF BILLS AFTER CONSTITUTIONAL RECESS.**

The Committee on Rules shall constitute a standing Committee on Introduction of Bills, to serve after the constitutional recess.

All motions for leave to introduce bills after the constitutional recess shall be sent to the desk in writing, under the order of "Introduction of Bills," and at no other time. The motion shall give the title of the bill, and shall be accompanied by the bill. The bill shall thereupon be referred to the Committee on Introduction of Bills.

The committee shall examine bills referred to it with particular reference to the question as to whether there is already any bill in either house of the same character which might be amended to effect

the result sought, and generally as to the advisability of introducing the measure.

No bill shall be introduced without the consent of three-fourths of the members after report thereupon by the Committee on Introduction of Bills, nor shall more than two bills be introduced by any one member after the constitutional recess.

Joint and Concurrent Resolutions and Constitutional Amendments shall not be referred to the Committee on Introduction of Bills, and shall not require a vote to authorize their introduction, nor shall the number to be introduced by any one member be limited. (*Senate Rule No. 24. Assembly Rule No. 34.*)

**SEC. 169.**

**JOINT AND CONCURRENT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.**

Joint and concurrent resolutions shall be treated the same as bills; *provided*, that they shall be read but once, and that after they have been reported by a committee; *and provided, further*, that the ayes and noes shall not be called upon the adoption of concurrent resolution, except those presenting charter amendments, unless regularly demanded, or required by statute or the constitution. Proposed amendments to the constitution shall be treated the same as bills; *provided*, they shall be read but once, and only after they have been reported by a committee. All bills, constitutional amendments, and joint and concurrent resolutions may be amended by a majority of those voting. (*Assembly Rule No. 31. Senate Rules Nos. 22 and 43.*)

**SEC. 170.**

**PETITIONS TO BE PRESENTED WITH A BRIEF STATEMENT OF CONTENTS.**

Whenever petitions, memorials, or other papers addressed to the House are presented by a member, a brief statement of the contents thereof shall be made verbally by the introducer. They shall not be debated on the day of their being presented, but shall lie on the table, or be referred, as the House shall determine. (*Assembly Rule No. 66. Senate Rule No. 64.*)

**SEC. 171.**

(Form.)

**INTRODUCTION AND FIRST READING OF BILLS, ETC.**

The following bills were introduced:

By Senator<sup>1</sup> ..... Bill No. ....  
An Act, etc.

Bill read first time, ordered to print, and referred to Committee on .....

The following resolutions were offered:

By Senator<sup>1</sup> ..... S.<sup>2</sup> J. R. No. ....  
A Resolution, etc.

Resolution ordered to print and referred to Committee on .....

By Senator<sup>1</sup> ..... S.<sup>2</sup> C. R. No. ....  
A Resolution, etc.

Resolution ordered to print and referred to Committee on .....

By Senator<sup>1</sup> ..... S.<sup>2</sup> C. A. No. ....  
 A Resolution, etc.

Constitutional Amendment ordered to print and referred to Committee on .....

**EXPLANATORY NOTE.**

<sup>1</sup>Or Mr.

<sup>2</sup>Or Assembly.

**SEC. 171½.**

(Form.)

**INTRODUCTION OF FIRST READING OF BILL—(OUT OF ORDER).**

Senator<sup>1</sup> ..... asked for, and was granted, unanimous consent for the introduction at this time, under suspension of the rules, of the following bill:

**SEC. 172.**

(Form.)

**INTRODUCTION OF CONCURRENT<sup>1</sup> RESOLUTION<sup>2</sup>.**

The following concurrent<sup>1</sup> resolution<sup>2</sup> was offered by Senator<sup>3</sup> .....

**EXPLANATORY NOTE.**

<sup>1</sup>Or Joint.

<sup>2</sup>Or Constitutional Amendment.

<sup>3</sup>Or Mr.

**SEC. 173.**

(Form.)

**REQUEST FOR INTRODUCTION OF BILL.**

(After Constitutional Recess.)

Senator<sup>1</sup> ..... requested permission to introduce a Senate<sup>2</sup> Bill entitled:

An Act, etc.

Request referred to Committee on Introduction of Bills.

**EXPLANATORY NOTE.**

<sup>1</sup>Or Mr.

<sup>2</sup>Or Assembly.

**SEC. 174.**

(Form.)

**REPORT OF STANDING COMMITTEE.**

The following report of standing committee was received and read:

**ON INTRODUCTION OF BILLS.**

SENATE<sup>1</sup> CHAMBER, SACRAMENTO, March 18, 1915.

MR. PRESIDENT: Your Committee on Introduction of Bills, to which was referred the request of Senator<sup>2</sup> ..... to introduce a bill entitled: "An Act, etc.;"

Also: The request of Senator<sup>2</sup> ..... to introduce a bill entitled: "An Act, etc.;"

Also: The request of Senator<sup>2</sup> ..... to introduce a bill entitled: "An Act, etc.;"

Also: The request of Senator<sup>2</sup> ..... to introduce a bill entitled: "An Act, etc.;"

Has had the same under consideration, and respectfully reports the same back and recommends that each of such requests be granted.

....., Chairman.

The question being on the adoption of the report.

The roll was called, in accordance with the provisions of section two of article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators<sup>3</sup> ..... (Requires at least thirty votes in the Senate and sixty votes in the Assembly.)  
NOES—Senators<sup>3</sup> .....

#### INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced in accordance with above report:  
By Senator<sup>2</sup> ..... : Senate Bill No. ....—"An Act, etc."

<sup>1</sup>Or Assembly.

<sup>2</sup>Or Mr.

<sup>3</sup>Or Messrs.

#### SEC. 175.

(Form.)

#### WITHDRAWAL OF BILL.

Senator<sup>1</sup> ..... asked, and was granted, unanimous consent to withdraw ..... Bill No. ....  
..... Bill No. .... ordered withdrawn and stricken from the file.

#### EXPLANATORY NOTE.

<sup>1</sup>Or Mr.

## CHAPTER IV.

### COMMITTEES.

#### CHAPTER CONTENTS.

##### PART I. APPOINTMENT AND ORGANIZATION.

- Sec. 176. Appointment of standing committees of Legislature. (Political Code.)
- Sec. 177. Appointment of committees. (Assembly rule.)
- Sec. 178. Standing committees. (Joint rule.)
- Sec. 179. Additional standing committees. (Senate rule; Assembly rule.)
- Sec. 179½. Schedules for committee meetings. (Assembly rule.)
- Sec. 180. Appointment of special committee. (Form.)

##### PART II. REFERENCE OF BILLS TO COMMITTEES.

- Sec. 181. Bills referred, how. (Senate rule; Assembly rule.)
- Sec. 182. Referred otherwise, how. (Assembly rule; Senate rule.)
- Sec. 183. Order of questions on motion to refer. (Assembly rule; Senate rule.)
- Sec. 184. Appropriation bills. (Assembly rule; Senate rule.)
- Sec. 185. Certain bills always introduced by or referred to committee on ways and means. (Assembly rule.)
- Sec. 186. Contingent expenses of the Senate. (Senate rule.)
- Sec. 187. Executive communication and nominations to committee. (Senate rule.)
- Sec. 188. Introduction and first reading of bills, etc. (Form.)
- Sec. 189. Motion to re-refer. (Form.)
- Sec. 190. Motion to re-commit. (Form.)
- Sec. 191. Motion to refer. (Form.)

##### PART III. THE COMMITTEE OF THE WHOLE.

- Sec. 192. Proceedings touching appropriations of money to be considered in committee of the whole. (Assembly rule.)
- Sec. 193. Committee of the whole—How formed. (Assembly rule.)
- Sec. 194. Rules in committee of the whole. (Assembly rule; Senate rule.)
- Sec. 195. Motion to rise decided without debate. (Assembly rule.)

##### PART IV. GENERAL PROVISIONS GOVERNING COMMITTEES.

- Sec. 196. Standing committee, quorum of—What constitutes. (Senate rule.)
- Sec. 197. When committees shall report. (Senate rule; Assembly rule.)
- Sec. 198. Committee amendments—How made. (Senate rule.)
- Sec. 199. Re-drafting of bills. (Senate rule.)
- Sec. 200. Introduction of bills by committee. (Assembly rule.)
- Sec. 201. Joint meeting of committees. (Joint rule.)
- Sec. 202. Notice of committee meetings. (Assembly rule.)
- Sec. 203. Leaves of absence of members of the Senate visiting public institutions. (Senate rule; Assembly rule.)
- Sec. 204. Who may administer oaths to witnesses. (Political Code.)
- Sec. 205. Fees for witnesses. (Assembly rule.)
- Sec. 206. Report of standing committee. (Form.)
- Sec. 207. Report of special committee. (Form.)

##### PART V. PROVISIONS GOVERNING INDIVIDUAL COMMITTEES.

- Sec. 207½. Committee on joint rules.
- Sec. 208. Duties of judiciary committee. (Political Code.)
- Sec. 209. Committees other than judiciary reporting favorably on bill—Effect. (Political Code.)
- Sec. 210. Committee on revision and printing. (Joint rule.)
- Sec. 211. Reports of committee on revision. (Joint rule.)
- Sec. 212. Committee on contested elections. (Assembly rule.)
- Sec. 213. Committee on ways and means. (Assembly rule.)
- Sec. 214. Enrolled bills to receive signatures of proper officers. (Joint rule.)

- Sec. 215. Enrolling committee to compare. (Joint rule.)  
 Sec. 216. President and Speaker to sign bills. (Joint rule.)  
 Sec. 217. Enrolling committee to present bills to Governor. (Joint rule.)  
 Sec. 218. Provision for engrossment. (Assembly rule.)  
 Sec. 219. Order of engrossing and enrolling bills. (Senate rule.)  
 Sec. 220. Engrossed bills to be examined and reported. (Senate rule.)  
 Sec. 221. Order of engrossing and enrolling bills. (Assembly rule.)  
 Sec. 222. Report of committee. (On engrossment and enrollment.) (Form. ▶)

## PART I. APPOINTMENT AND ORGANIZATION.

### SEC. 176.

#### APPOINTMENT OF STANDING COMMITTEES OF LEGISLATURE.

All standing committees of the Senate and Assembly shall be appointed by the presiding officer of the respective Houses; *provided*, that each House may by resolution, or the rules thereof, direct otherwise. (*Political Code*, sec. 248.)

### SEC. 177.

#### APPOINTMENT OF COMMITTEES

All committees shall be appointed by the presiding officer, unless otherwise ordered, and the first named shall be the chairman thereof. (*Senate Rule No. 59. Assembly Rule No. 9.*)

### SEC. 178.

#### STANDING COMMITTEES.

Subject to the right of either house to appoint additional committees, the following standing committees shall be appointed in the Senate and Assembly, the number of members and the manner of selection to be determined by the rules of each house:

- (1) Agriculture.
- (2) Banking.
- (3) Commerce and Navigation.
- (4) Corporations.
- (5) County Government.
- (6) Drainage, Swamp and Overflowed Lands.
- (7) Education.
- (8) Elections.
- (9) Federal Relations.
- (10) Finance in the Senate and Ways and Means in the Assembly.
- (11) Fish and game.
- (12) Hospitals and Asylums.
- (13) Insurance.
- (14) Irrigation.
- (15) Judiciary.
- (16) Labor and Capital.
- (17) Military Affairs.
- (18) Mines and Mining.
- (19) Municipal Corporations.
- (20) Oil Industries.

- (21) Prisons and Reformatories.
- (22) Public Health and Quarantine.
- (23) Public Morals.
- (24) Public Utilities.
- (25) Revenue and Taxation.
- (26) Roads and Highways.
- (27) Rules. (*Joint Rule No. 1.*)

#### **JOINT COMMITTEES.**

Joint Standing Committees of Senate and Assembly shall be appointed as follows:

- (1) Committee on Revision and Printing, to consist of three (3) members from the Senate and five (5) from the Assembly.
- (2) Committee on Joint Rules, to consist of the members of the Rules Committee of each house. (*Joint Rule No. 2.*)

#### **SEC. 179.**

#### **ADDITIONAL STANDING COMMITTEES.**

In addition to the foregoing there are maintained in each House committees on (1) Civil Service, (2) Contingent Expenses, (3) Constitutional Amendments, (4) Engrossment and Enrollment, and (5) Universities. Over and above this number, the Assembly has sixteen committees which are not found in the Senate. For the most part these additional committees divide with the other Assembly committees, the scope of the Senate Committees bearing respectively the same names as the latter. The list of additional committees in the Assembly is as follows: (1) Attaches, (2) Building and Loan Associations, (3) Claims, (4) Conservation, (5) Contested Elections, (6) Direct Legislation, (7) Libraries, (8) Live Stock and Dairies, (9) Manufactures, (10) Medical and Dental Laws, (11) Mileage, (12) Normal Schools, (13) Public Charities and Corrections, (14) Revision of Criminal Procedure, and (15) State Grounds and Parks. (*Senate Rule No. 8. Assembly Rule No. 10.*)

#### **SEC. 179½.**

#### **SCHEDULES FOR COMMITTEE MEETINGS.**

The Speaker shall be empowered to propose to the Assembly such schedules for regular meetings of the standing committees as shall permit a full attendance of their members without conflict of committee engagements. (*Assembly Rule No. 12.*)

#### **SEC. 180.**

(Form.)

#### **APPOINTMENT OF SPECIAL COMMITTEE.**

(On Joint Rules.)

The President<sup>1</sup> announced, in accordance with the above resolution, the appointment of Senators<sup>2</sup> ..... , ..... , and ..... as a Senate Special Committee on Joint Rules.

#### **EXPLANATORY NOTE.**

<sup>1</sup>Or other presiding officer.

<sup>2</sup>Or Messrs.

## PART II. REFERENCE OF BILLS TO COMMITTEES.

### SEC. 181.

#### BILLS REFERRED, HOW.

At the time of introduction, each bill shall be referred to a standing committee by the presiding officer. (*Senate Rule No. 4. Assembly Rule No. 30.*) *21*

### SEC. 182.

#### REFERRED OTHERWISE, HOW.

No debate shall be allowed on any motion to refer a bill or resolution to a committee. The Speaker shall first indicate to what committee a bill or resolution ought to be referred, and it shall be so referred, unless upon a motion, without debate, the House by a majority vote refer it to some other committee. (*Senate Rule No. 9. Assembly Rule No. 35.*) *25*

### SEC. 183.

#### ORDER OF QUESTIONS ON MOTION TO REFER.

When a resolution shall be offered, or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole.
2. A Standing Committee.
3. A Select Committee. (*Assembly Rule No. 36. Senate Rule No. 10.*) *36*

### SEC. 184.

#### APPROPRIATION BILLS.

In the Senate all appropriation bills must be referred to the Committee on Finance and in the Assembly to the Committee on Ways and Means before being read a second time. (*Senate Rules Nos. 11 and 27. Assembly Rule No. 21.*) *29*

In the Assembly all appropriation bills must be considered in the Committee of the Whole while on second reading, and no addition to any appropriation shall be made out of Committee of the Whole. (*Assembly Rule No. 14.*)

### SEC. 185.

#### CERTAIN BILLS ALWAYS INTRODUCED BY OR REFERRED TO COMMITTEE ON WAYS AND MEANS.

All bills to appropriate money for the contingent expenses of the State shall be presented by the Committee on Ways and Means. (*Assembly Rule No. 21. Senate Rule No. 11.*) *29*

Concurrent resolutions for adjournment *sine die* shall in all cases, whether originating in the House or coming from the Senate, be referred to the Committee on Ways and Means. That committee shall report upon any such concurrent resolution not later than the next legislative day, and with regard to the status of the general appropriation bill and tax levy. (*Senate Rule No. 11. Assembly Rule No. 22.*) *29*

**SEC. 186.****CONTINGENT EXPENSES OF THE SENATE.**

No claim shall be paid out of the contingent fund of the Senate until the same shall have been referred to and reported on by the Committee on Contingent Expenses. (*Senate Rule No. 17*)

**SEC. 187.****EXECUTIVE COMMUNICATIONS AND NOMINATIONS TO COMMITTEE.**

When executive communications or nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be referred to the Committee on Rules, unless otherwise ordered by the Senate, which motion shall be determined without debate. (*Senate Rules Nos. 13 and 54*)

58

**SEC. 188.**

(N. E.—For complete forms on Introduction of Bills, etc., see sections 171-174.)  
(Form.)

**INTRODUCTION AND FIRST READING OF BILLS, ETC.**

The following bills were introduced:

By Senator<sup>1</sup> ..... Bill No. ....

An Act, etc.

Bill read first time, ordered to print, and referred to Committee on

The following resolutions were offered:

By Senator<sup>1</sup> ..... S.<sup>2</sup> J. R. No. ....

A resolution, etc.

Resolution ordered to print, and referred to Committee on .....

By Senator<sup>1</sup> ..... S.<sup>2</sup> C. R. No. ....

A resolution, etc.

Resolution ordered to print, and referred to Committee on .....

By Senator<sup>1</sup> ..... S.<sup>2</sup> C. A. No. ....

A resolution, etc.

Constitutional amendment ordered to print, and referred to Committee on .....

**EXPLANATORY NOTE.**

<sup>1</sup>Or Mr.

<sup>2</sup>Or Assembly.

**SEC. 189.**

(Form.)

**MOTION TO RE-REFER.**

Senator<sup>1</sup> ..... moved that ..... Bill No. ..... be recalled from the Committee on ..... to which it was previously referred, and re-referred to the Committee on .....

Motion carried and such was the order.

**EXPLANATORY NOTE.**

<sup>1</sup>Or Mr.

**SEC. 190.**

(Form.)

**MOTION TO RE-COMMIT.**

Senator ..... moved that ..... Bill No. ..... be re-committed to the Committee on ..... to retain its place on file.

Motion carried and such was the order.

**SEC. 191.**

(Form.)

**MOTION TO REFER.**

Senator<sup>1</sup> ..... moved to refer the resolution to Committee on .....

Motion carried and such was the order.

**EXPLANATORY NOTE.**

<sup>1</sup>Or Mr.

### PART III. THE COMMITTEE OF THE WHOLE.

**SEC. 192.****PROCEEDINGS TOUCHING APPROPRIATIONS OF MONEY TO BE CONSIDERED IN COMMITTEE OF THE WHOLE.**

All bills making appropriations of money shall be considered in a Committee of the Whole House while on second reading, and no addition to any appropriation shall be made out of Committee of the Whole. (*Assembly Rule No. 14.*)

**SEC. 193.****COMMITTEE OF THE WHOLE—HOW FORMED.**

In forming a Committee of the Whole House, the Speaker as chairman or a chairman to be named by the Speaker, shall preside. Bills committed to a Committee of the Whole House shall, in Committee of the Whole, be read by sections. All amendments shall be noted and reported to the Assembly by the chairman. After being reported to the Assembly, the bill shall again be subject to amendment before a vote on the report is taken. (*Assembly Rule No. 15.*)

**SEC. 194.****RULES IN COMMITTEE OF THE WHOLE.**

The rules of each house shall be observed in the Committee of the Whole so far as they may be applicable, except in the matter of limiting the number of times that a member may speak, and except that the ayes and noes need not be taken. (*Assembly Rule No. 16. Senate Rule No. 14.*)

**SEC. 195.****MOTION TO RISE DECIDED WITHOUT DEBATE.**

A motion that the committee rise shall always be in order, and shall be decided without debate. (*Assembly Rule No. 17.*)

## PART IV. GENERAL PROVISIONS GOVERNING COMMITTEES.

### SEC. 196.

#### STANDING COMMITTEE, QUORUM OF—WHAT CONSTITUTES.

Each standing committee shall determine its own quorum and the number of signatures necessary to sign a bill out of committee; *provided*, that not less than one-half of the number of members constituting such committee shall in any case constitute such quorum or be sufficient to sign a bill out. (*Senate Rule No. 15.*) *7*

N. B. In the Assembly one-half is required for a quorum or to sign a bill out of committee. (*Assembly Rule No. 13.*)

### SEC. 197.

#### WHEN COMMITTEES SHALL REPORT.

All committees shall act upon bills referred to them as soon as practicable, and when acted upon each bill shall be reported back to the house forthwith, and the chairman of each committee is charged with the observance of this rule; *provided*, that the house may at any time, by a majority vote, recall a bill, constitutional amendment or resolution from any committee. (*Senate Rule No. 16.* *Assembly Rule No. 39.*) *33*

### SEC. 198.

#### COMMITTEE AMENDMENTS—HOW MADE.

When amendments to a bill are reported by a committee, the clerk of such committee shall prepare three copies of amendment, one to go with the bill to the Superintendent of State Printing, one to the Minute Clerk, and one to the Secretary of the Senate. (*Senate Rule No. 17.*) *31*

### SEC. 199.

#### REDRAFTING OF BILLS.

All bills amended or redrafted by committee shall have the new matter, if any, underscored, and the place of omission of parts of the original bill, if any, indicated by brackets. (*Senate Rule No. 18.* *Assembly Rule No. 75.*) *32*

### SEC. 200.

#### INTRODUCTION OF BILLS BY COMMITTEE.

Any committee may introduce a bill germane to any subject within the proper consideration of such committee, whereupon the bill shall immediately be read the first time, ordered to print and placed upon the second-reading file. (*Senate Rule No. 5.*) *12*

Any committee may introduce a bill appertaining to any subject coming within its consideration, whereupon it shall be read the first time and placed upon the proper second-reading file. When each bill is designed to be a substitute for one or more Assembly bills, the bills for which it is such a substitute shall, by a majority vote of the House, be deemed withdrawn, and shall not appear upon the file. Upon the introduction of a bill by a committee, it shall be numbered as a new bill, read, ordered printed, and placed upon the Assembly file for further action. (*Assembly Rule No. 33.*)

**SEC. 201.****JOINT MEETING OF COMMITTEES.**

Whenever any bill has been referred by the Senate to one of its committees, and the same or a like bill has been referred by the Assembly to one of its committees, the chairmen of the respective committees, when in their judgment the interests of legislation or the expedition of business will be better served thereby, shall arrange for a joint meeting of their committees for the consideration of such bill. (*Joint Rule No. 3.*)

**SEC. 202.****NOTICE OF COMMITTEE MEETINGS.**

The chairman or clerk of each committee of either house shall notify the author of any bill or resolution pending before such committee of the hour and place of hearing or acting upon such bill or resolution. (*Senate Rule No. 19.*)

**SEC. 203.****LEAVES OF ABSENCE OF MEMBERS VISITING PUBLIC INSTITUTIONS.**

No leave of absence shall be granted any committee, special or standing, to visit any public institution of the State or for any other purpose. Whenever any committee shall report to the Senate that it is desirable that such committee receive information concerning any public institution, the Senate may, by a two-thirds vote of all its members, grant a leave of absence to not more than three members of such committee, to be designated by the chairman thereof. Application for a leave of absence of such members of a committee shall be made to the Senate in writing by the chairman thereof, and such application shall give the name of the institution or institutions to be visited and briefly recite the occasion and necessity for visiting the same, together with the names of the committeemen designated for that purpose. Such application shall immediately, and without debate, be referred to the Committee on Rules, with instructions, to report upon the same on the next legislative day. Said members shall be allowed their actual expenses, but no expenses or mileage of attaches shall be allowed. (*Senate Rule No. 20.*)

No member of any committee shall be permitted to incur any expense by visiting any part of the State on official business, except that the chairman of the Committee on Ways and Means shall, during the constitutional recess, be allowed his actual expenses while on such business. (*Assembly Rule No. 84.*)

**SEC. 204.****WHO MAY ADMINISTER OATHS TO WITNESSES.**

The members of any committee may administer oaths to witnesses in any matter under examination. (*Political Code, sec. 252.*)

**SEC. 205.****FEES FOR WITNESSES.**

Witnesses summoned to appear before the House or any of its committees shall be paid as follows: For each day a witness shall attend, the sum of three dollars; for each mile he shall travel in coming to and

going from the place of examination, the sum of ten cents. No mileage shall be paid except where the witness has actually traveled for the purpose of giving testimony. (*Assembly Rule No. 83.*)

**SEC. 206.**

(Form.)

**REPORT OF STANDING COMMITTEE.**

The following reports of standing committees were received and read:

ON JUDICIARY.<sup>1</sup>SENATE<sup>2</sup> CHAMBER, SACRAMENTO, March 31, 1915.

MR. PRESIDENT: Your Committee on Judiciary,<sup>1</sup> to which was referred Senate<sup>2</sup> Bill No. ....—An Act, etc.;  
 Also: Senate<sup>2</sup> Bill No. ....—An Act, etc.;  
 Also: Senate<sup>2</sup> Bill No. ....—An Act, etc.;  
 Also: Assembly<sup>3</sup> Bill No. ....—An Act, etc.;  
 Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

....., Chairman.

MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, March 31, 1915.

MR. PRESIDENT: A minority of your Committee on Judiciary to which was referred Senate<sup>2</sup> Bill No. ....—An Act—has had the same under consideration, and respectfully reports the same back and recommends that it do not pass.

## EXPLANATORY NOTE.

<sup>1</sup>Or other committee.<sup>2</sup>Or Assembly.<sup>3</sup>Or Senate.

Also:

ON (Name of Committee)

Mr. President<sup>1</sup>:

Your Committee ..... to whom was referred ..... Bill No. ...., an Act, etc., respectfully report that they have had the same under consideration and recommend that the amendments prepared by the committee and submitted herewith, be adopted and the bill, as amended, do pass.

....., Chairman.

..... Bill No. ..... ordered on file for second reading.

(Form.)

(N. B.—This form is used in amending bills, either by committee or from floor of Senate or Assembly. The proposed amendments, in triplicate, together with the original bill, must accompany the report of the committee.)

## PROPOSED AMENDMENTS TO .....

BILL NO. .....

## AMENDMENT NUMBER ONE.

Amend the title of the printed bill, by striking out all of lines ..... and ..... of the title and inserting in lieu thereof the following:

## AMENDMENT NUMBER TWO.

Strike out all of the printed bill from and including line ..... , page ..... , to and including line ..... , page .....

## AMENDMENT NUMBER THREE.

On page ..... , line ..... of the printed bill, strike out the words “.....” and insert in lieu thereof the following: “.....”

**AMENDMENT NUMBER FOUR.**

On page ..... strike out all of section ....., and insert in lieu thereof the following:

Section .....

**AMENDMENT NUMBER FIVE.**

On page ..... of the printed bill, strike out all of section .....

(N. B.—Three copies of all sets of amendments should be sent to the desk at the time the committee makes its report or when amendments are submitted for adoption.)

**SEC. 207.**

(Form.)

**REPORT OF SPECIAL COMMITTEE.**

The following report of Special Committee was received and read:  
ON (Name of Committee)

Mr. President<sup>1</sup>:

Your Special Committee on ..... begs leave to submit the following report:

.....  
.....  
.....

Chairman.

**EXPLANATORY NOTE.**<sup>1</sup>Or Speaker.**PART V. PROVISIONS GOVERNING INDIVIDUAL COMMITTEE.****SEC. 207½.****COMMITTEE ON JOINT RULES.**

The Committee on Joint Rules shall be empowered to compile a list of suggestions as to the form of bills and resolutions prepared for introduction into the Legislature. (*Joint Rule No. 44.*)

**SEC. 208.****DUTIES OF JUDICIARY COMMITTEE.**

The rules of each House may prescribe the duties of each committee thereof. In addition to the duties that may thus be prescribed, it shall be the duty of the Judiciary Committee of each House, whenever a bill drawn in the form of a general law is recommended for passage, either as introduced, or as amended by such committee, if it relates to and should form part of any subject contained in either one or more of the codes of this State, to accompany such recommendation with a substitute, or substitutes therefor, containing a suitable title and the provisions of such bill in codified form, and numbered so as to indicate in what code, and what part thereof, it is proposed to insert the same in case of enactment. (*Political Code, sec. 249.*)\*

**SEC. 209.****COMMITTEES OTHER THAN JUDICIARY REPORTING FAVORABLY ON BILL, EFFECT.**

When any standing committee of the Senate or Assembly, other than the Judiciary Committee thereof, favorably report any bill referred

thereto, if such bill is in the form of a general law, the same shall be placed on file, retain its place thereon, and be referred to the Judiciary Committee, whereupon such committee must, if the bill relates to and should form part of any subject contained in either one or more of the codes of this State, codify the same, and within two days after such reference, unless additional time is granted, report a substitute or substitutes therefor in the manner provided in the preceding section. (*Political Code, sec. 250.*)\*

**SEC. 210.****COMMITTEE ON REVISION AND PRINTING.**

Unless otherwise ordered by the House in which the bill was introduced, all bills before being printed shall be immediately sent to the Committee on Revision and Printing, which shall examine the bill, with the aid of the Legislative Counsel Bureau. The committee, by and with the written assent of the author filed with it, shall have authority to correct any clerical error such as in orthography, adding or correcting the enacting clause, mistakes in numbering sections and references thereto, errors in grammar phraseology, or in the form of the bill; *provided*, that no bill which bears the stamp of the Legislative Counsel Bureau showing that before introduction it has been examined as to form, shall be sent to the Committee on Revision and Printing. (*Joint Rule No. 10.*)

**SEC. 211.****REPORTS OF COMMITTEE ON REVISION.**

The Committee on Revision and Printing shall return to the Secretary of the Senate or Clerk of the Assembly all bills in the order in which they were sent to it, but shall not retain any bill for longer than three legislative days, unless otherwise ordered. (*Joint Rule No. 12.*)

**SEC. 212.****COMMITTEE ON CONTESTED ELECTIONS.**

It shall be the duty of the Committee on Contested Elections to examine and report upon the certificates of election or other credentials of such members returned to serve in this House, as may have their seats contested, and to take into their consideration all such petitions and other matters touching elections and returns as shall or may be presented or come into question, and be referred to them by the House, or the Speaker thereof. (*Assembly Rule No. 23.*)

**SEC. 213.****COMMITTEE ON WAYS AND MEANS.**

It shall be the duty of the Committee on Ways and Means to take into consideration all reports of the State officers and State boards or State commissions, and all propositions relative to the Revenue of the State, as may be referred to them by the Assembly; to inquire into the state of the revenue and expenditures of the State, and report from time to time their opinion thereon. All bills for the appropriation of money,

\*For explanation of the status of these two sections, see Preface.

which were not at first referred to the Committee on Ways and Means, shall be reported to the House by the committees having them under consideration, and shall thereupon, without motion, be referred to the Committee on Ways and Means; and said committee shall consider and report thereon the amount of appropriation required, but such bill shall retain its place on file pending its consideration by said Committee on Ways and Means. The Committee on Ways and Means shall, from time to time, at least once in two weeks, report to the House the exact condition of legislation involving appropriations, and the aggregate amount of all the proposed appropriations pending. (*Assembly Rule No. 21.*)

(N. B.—For additional duties of Committee on Engrossment and Enrollment, see also section 484.)

#### SEC. 214.

##### ENROLLMENT OF BILL AFTER PASSAGE.

After a bill shall have passed both Houses, it shall be duly enrolled and carefully compared by the Engrossing and Enrolling Clerk and Committee of the House in which it originated, with the engrossed bill as passed in the two Houses. It shall then receive the signatures provided for in Joint Rule No. 37 and be presented to the Governor of the State. (*Joint Rule No. 36.*)

#### SEC. 215.

##### ENROLLING COMMITTEE TO PRESENT BILLS TO GOVERNOR.

After a bill shall have been thus passed in each House, it shall be presented by the Engrossing and Enrolling Committee of the House in which it originated to the Governor of the State for his approval (it being first endorsed by the presiding officers of the two Houses, and by the Secretary of the Senate and Chief Clerk of the Assembly). The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journal of the House in which the bill originated. (*Joint Rule No. 37.*)

#### SEC. 218.

##### PROVISION FOR ENGROSSMENT.

It shall be the duty of the Committee on Engrossment and Enrollment to compare all bills, constitutional amendments, and concurrent and joint resolutions, ordered or considered engrossed by this House with the engrossed copies thereof; and, before they pass out of the possession of this House, see that the engrossed bill is a true copy of the original, with such amendments as may have been made thereto; and said committee shall see that all engrossed bills are reported back in the order in which they were ordered engrossed. (*Assembly Rule No. 18.*)

#### SEC. 219.

##### ORDER OF ENGROSSING AND ENROLLING BILLS.

All bills ordered engrossed shall be delivered by the Secretary of the Senate to the Committee on Engrossment and Enrollment or to the clerk of that committee and a receipt in writing taken therefor, and all said bills shall be engrossed in the order of their receipt by that committee or its clerk. All Senate bills shall, after their final passage by, and

receipt from the Assembly, be delivered by the Secretary of the Senate in the order of their receipt from the Assembly, to the Committee on Engrossment and Enrollment or its clerk and a receipt in writing taken therefor; and said bills shall be enrolled in the order of their receipt from the Secretary of the Senate. (*Senate Rule No. 21.*) *12*

**SEC. 220.****ENGROSSED BILLS TO BE EXAMINED AND REPORTED.**

All bills, amendments, and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossment and Enrollment; the engrossed copy to be transmitted to the Assembly with proper endorsements, and the original retained by the Senate. (*Senate Rule No. 22.*) *11*

**SEC. 221.****ORDER OF ENGROSSING AND ENROLLING BILLS.**

The Engrossing and Enrolling Clerk shall engross and enroll the bills, constitutional amendments, and joint and concurrent resolutions which shall come to his hands for such purposes, in compliance with the provisions of Section 539 of the Political Code, and in the order of time in which the same shall be acted upon by the House. Said Clerk shall be responsible for every violation of this rule by his assistants or deputies; no clerk of this House, or his deputy or assistant, shall demand or receive from any person any compensation other than that provided by law for any services performed by him in regard to bills or preparation of bills before this House. All Assembly bills, constitutional amendments and joint and concurrent resolutions shall be engrossed before final action is taken on them in the Assembly. (*Assembly Rule No. 19.*)

**SEC. 222.**

(Form.)

**REPORT OF COMMITTEE.****ON ENGROSSMENT AND ENROLLMENT.**

..... CHAMBER, SACRAMENTO, March 30, 1915.

**MR. PRESIDENT:** Your Committee on Engrossment and Enrollment has examined ..... Bill No. ....—An Act, etc.

Also: ..... Bill No. ....—An Act, etc.

Also: ..... Bill No. ....—An Act, etc.

And reports that the same have been correctly engrossed.<sup>1</sup>

....., Chairman.

**EXPLANATORY NOTE.**

<sup>1</sup>Or re-engrossed or re-re-engrossed, etc.

Also:

..... CHAMBER, SACRAMENTO, March 19, 1915.

**MR. PRESIDENT:** Your Committee on Engrossment and Enrollment have examined ..... Bill No. ....—An Act, etc., and report that the same has been correctly enrolled;

And presented to the Governor on this ..... day of ..... 19....., at ..... o'clock and ..... minutes p.m.

....., Chairman.

## CHAPTER V.

### THE GENERAL FILE.

#### CHAPTER CONTENTS.

##### PART I. GENERAL PROVISIONS.

- Sec. 223. Reading of bills. (Senate rule; Assembly rule.)
- Sec. 224. Order of making file. (Assembly rule; Senate rule.)
- Sec. 225. The general file—Its hours—Special order of bills on file. (Senate rule.)
- Sec. 226. Special file. (Joint rule.)
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- Sec. 228. Special orders. (Senate rule.)
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- Sec. 230. Reference of appropriation bills before second reading. (Senate rule.)
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- Sec. 232. Reprinting of amended bills. (Senate rule.)
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## PART I. GENERAL PROVISIONS.

(N. B.—For Constitutional requirements regarding the reading of bills on three several days see section 331.)  
(N. B.—Reconsideration of bills, etc., is treated in sections 309 and 310.)  
(N. B.—For explanation of the General File from the point of view of the presiding officers see section 541 et seq.)

### SEC. 223.

#### READING OF BILLS.

Every bill shall be read on three several days previous to its passage (unless in case of urgency, two thirds of the membership of the house in which it is being considered, shall by vote of the ayes and noes dispense with this provision). The presiding officer shall give notice, at each of the second and third readings, which reading it is, and no bill shall be read at either reading (if a member object) until the house in which it is being considered shall so determine by vote. (Senate Rule No. 28.)

31

### SEC. 224.

#### ORDER OF MAKING FILE.

Upon the introduction of bills they shall be read the first time, and referred to committees, as provided in Rule 30. When reported back they shall be placed upon the General File, to be kept by the Secretary (or Clerk), as follows: All bills when reported to the House by the committees, except such bills as are by the report re-referred to another committee, shall be placed at the foot of the second-reading file, in the order in which the reports are made, and after the second reading they shall be placed at the foot of the third-reading file, in the order of reading, and precedence shall be given in the consideration of bills in the following order: Second-reading file and third-reading file, unless otherwise ordered by unanimous consent or by a two-thirds vote of the House. The bills upon third reading shall be considered in the order in which they appear upon the file, unless otherwise ordered by unanimous consent or by vote of majority of the members present, such vote to be taken by roll call; *provided*, that if a bill is passed on file for any reason, other than the absence of the author by leave of the House, note of the fact shall be made in the General File, and when passed on file a second time, the bill shall be ordered to the foot of the file, and notice of the fact of the bill having been passed on file prior to the order placing it at the foot of the file, shall be omitted from the General File. (Senate Rule No. 24. Assembly Rule No. 40.)

34

### SEC. 225.

#### THE GENERAL FILE: ITS HOURS—SPECIAL ORDER OF BILLS ON FILE.

The General File shall be the special order for each day between such hours as the Senate may determine, unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration. (Senate Rule No. 25.)

35

**SEC. 226.****SPECIAL FILE.**

On the second day after the close of the recess provided for in section 2, article IV, of the Constitution, the Senate and Assembly shall each adopt and provide a special file upon which shall be placed: In the Senate, only Assembly bills that have passed the Assembly; and in the Assembly, only Senate bills that have passed the Senate. Such special file shall be taken up at two o'clock p. m. of each day, and be considered at least one hour and a half after being so taken up, unless its consideration shall be completed in a lesser period of time. This rule shall not be suspended in either house except by a three-fourths vote of such house. (*Joint Rule No. 27.*)

**SEC. 227.****ORDER OF MAKING SPECIAL FILE.**

The Clerk shall, from time to time, make up a file, to be known as the Special File, on which he shall place bills relating to appropriations for the support of the state government and state institutions, revenue, election laws and constitutional amendments, in the order named, and in the order in which the same may be reported to the Assembly, and he shall place no other bills thereon, nor shall any bill on the General File be substituted for any bill thereon. (*Assembly Rule No. 41.*)

**SEC. 228.****SPECIAL ORDERS.**

Any subject may, by vote of a majority of those voting, be made a special order, and when the time fixed for its consideration arrives, the presiding officer shall lay it before the Senate. (*Senate Rule No. 26.*)

31

**SEC. 230.****REFERENCE OF APPROPRIATION BILLS BEFORE SECOND READING.**

All bills appropriating money from any fund shall be referred to the Committee on Finance (in the Senate, or Ways and Means in the Assembly) before being read a second time. (*Senate Rule No. 27.*  
*Assembly Rule No. 21.*)

27

**SEC. 231.****FINAL QUESTION ON SECOND READING OF BILL—NO AMENDMENT  
THIRD READING, BUT MAY COMMIT.**

The final question on the second reading of every bill shall be: "Shall the bill be engrossed?" (*Senate Rule No. 28.*  
*Assembly Rule No. 42.*)

**SEC. 232****REPRINTING OF AMENDED BILL.**

All bills amended on second or third reading shall be reprinted. (*Senate Rule No. 29.*  
*Assembly Rule No. 43.*)

70

**SEC. 233.****THE URGENCY SECTION.**

No act passed by the Legislature shall go into effect until ninety days after the final adjournment of the Legislature which passed such act, except acts calling elections, acts providing for tax levies or appropriations for the usual current expenses of the State, and urgency measures necessary for the immediate preservation of the public peace, health, or safety, passed by a two-thirds vote of all the members elected to each house. Whenever it is deemed necessary for the immediate preservation of the public peace, health or safety that a law shall go into immediate effect, a statement of the facts constituting such necessity shall be set forth in one section of the act, which section shall be passed only upon a yea and nay vote, upon a separate roll-call thereon; *provided, however,* that no measure creating or abolishing any office or changing the salary, term or duties of any officer, or granting any franchise or special privilege, or creating any vested right or interest, shall be construed to be an urgency measure. Any law so passed by the Legislature and declared to be an urgency measure shall go into immediate effect. (*Constitution, art. IV, sec. 1, par. 4.*)

**SEC. 234.****PASSAGE OF URGENCY SECTION.**

Upon the third reading of an Act which is an urgency measure within the meaning of section 1 of article IV of the State Constitution, the presiding officer shall direct that the section of said Act setting forth the facts constituting the necessity for such urgency (which shall be known as the urgency section) be then read and put to vote. The question shall be thus stated: "Shall this section setting forth the urgency features of this bill be passed?" If upon such final vote two-thirds of all the members elected to the house in which the vote is being taken shall not vote in the affirmative, no further action shall be taken on the bill; but, in case an identical bill without such an emergency clause be again introduced into such house, such bill shall be placed on file without reference to any committee. (*Joint Rule No. 34.*)

**SEC. 235.****PASSAGE OF BILLS TAKING EFFECT IMMEDIATELY.**

Each house shall act in the usual course upon all bills that may be made to take effect immediately, under the provisions of section 1, article IV, of the Constitution. (*Joint Rule No. 33.*)

**SEC. 235½.****BILLS CONSIDERED DURING LAST SEVEN DAYS.**

No Assembly bill shall be passed by the Assembly within seven days of the time set for adjournment *sine die* of the two houses of the Legislature, unless permission to vote on such bill be granted by a three-fourths vote of the Assembly after being recommended by the Speaker of the Assembly. (*Assembly Rule No. 43.*)

No Senate bill shall be passed by the Senate within seven days of the time set for adjournment *sine die* of the two houses of the Legislature, unless permission to vote on such bill be granted by a three-fourths vote of the Senate after being recommended by the President of the Senate. (*Senate Rule No. 30.*)

No Senate bill shall be passed by the Senate and no Assembly bill shall be passed by the Assembly within seven days of the time set for adjournment (*sine die*) of the two houses of the Legislature, unless permission to vote on such bill shall be granted by a three-fourths vote of the House of its origin after being recommended by the presiding officer thereof. (*Joint Rule No. 35.*)

**SEC. 236.**

(Form.)

**SECOND READING OF ..... BILLS.**

..... Bill No. ....—An Act, etc.

**COMMITTEE AMENDMENTS.**

During the second reading of the bill, the following committee amendments were offered:

**AMENDMENT NUMBER ONE.**

On page ....., section ....., strike out ..... and insert in lieu thereof, etc.  
Amendment adopted.

Also:

**AMENDMENT NUMBER TWO.**

On page ....., section ....., strike out ..... and insert in lieu thereof, etc.  
Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Also:

**AMENDMENTS FROM THE FLOOR.**

During the second reading of the bill, the following amendments were offered and their adoption moved by Senator<sup>1</sup>.....:

Also:

On motion of Senator<sup>1</sup> ....., ..... Bill No. ...., was passed on file to retain its place.<sup>2</sup>

Also:

On motion of Senator<sup>1</sup> ....., ..... Bill No. ...., was continued on second-reading file for further consideration.

Also:

On motion of Senator<sup>1</sup> ....., ..... Bill No. ...., was re-referred to Committee on .....

**EXPLANATORY NOTE.**

<sup>1</sup>Or Mr.

<sup>2</sup>Or was ordered to the foot of the file.

<sup>3</sup>Or recommitted.

(N. B.—If no motion was made then "By direction of the President" (or other presiding officer.)

**SEC. 237.**

(Form.)

**SECOND READING OF ..... BILLS—(OUT OF ORDER).**

Senator<sup>1</sup>..... asked for and was granted unanimous consent to take up the second-reading file of ..... bills, under suspension of the rules.

..... Bill No. ....—An Act, etc.

## COMMITTEE AMENDMENTS.

During the second reading of the bill, the following committee amendments were offered:

## AMENDMENT NUMBER ONE.

On page 1, section 1, line 6, after the word ..... insert the following:.....  
Amendment adopted.

## AMENDMENT NUMBER TWO (ETC.)

Amendment adopted.

Bill read second time, and ordered to print, engrossment and third reading.

Also:

## SECOND READING OF BILLS—(OUT OF ORDER).

Senator<sup>1</sup> ..... asked for, and was granted, unanimous consent for the second reading at this time, under suspension of the rules, of the bills previously reported from committee on this legislative day.

..... Bill No. .....—An Act, etc.

Also:

## SECOND READING OF BILL—(OUT OF ORDER).

Senator<sup>1</sup> ..... asked for, and was granted, unanimous consent to take up, for second reading, under suspension of the rules, .....  
Bill No. .....

## EXPLANATORY NOTE.

<sup>1</sup>Or Mr.

## SEC. 238.

(Form.)

## THIRD READING OF ..... BILLS.

..... Bill No: .....—An Act, etc.

On motion of Senator<sup>1</sup> ..... Bill No. ..... was passed on file to retain its place.

Also:

In the absence of the author, ..... Bill No. ..... was ordered passed, to retain its place on the file.

## EXPLANATORY NOTE.

<sup>1</sup>Or Mr.

## SEC. 239.

(Form.)

CONSIDERATION OF DAILY FILE—THIRD READING OF SENATE<sup>1</sup> BILLS.

..... Bill No. .....—An Act, etc.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and ..... Bill No. ..... finally passed<sup>2</sup> by the following vote:

## (ROLL CALL.)

Title read and approved.<sup>4</sup>

Bill ordered transmitted to the Assembly.<sup>3</sup>

Also:

..... Joint<sup>5</sup> Resolution<sup>6</sup> No. ..... Relative to, etc.  
 Resolution<sup>6</sup> read.  
 The question being on the adoption of the resolution.<sup>6</sup>  
 The roll was called, and ..... Joint<sup>5</sup> Resolution<sup>6</sup> No. ..... adopted<sup>7</sup> by the following vote:

(ROLL CALL.)

Joint<sup>5</sup> Resolution<sup>6</sup> ordered engrossed and transmitted to the Assembly.

EXPLANATORY NOTE.

- 1Or Assembly.
- 2Or refused passage.
- 3Or Senate.
- 4Or amended.
- 5Or concurrent.
- 6Or Constitutional Amendment.
- 7Or rejected.

TITLE AMENDED.

Senator<sup>1</sup> ..... moved to amend the title of ..... Bill No. ..... by adding thereto the following: ".....".

Amendment adopted.

Bill ordered to print and re-engrossment, and transmitted to the Assembly.

EXPLANATORY NOTE.

- 1Or Mr.

SEC. 239½.

(Form.)

THIRD READING OF BILL—(OUT OF ORDER).

Senator<sup>1</sup> ..... asked for, and was granted, unanimous consent to take up, for third reading, under suspension of the rules, Bill No. .....

EXPLANATORY NOTE.

- 1Or Mr.

SEC. 240.

(Form.)

CALL OF THE SENATE.<sup>1</sup>

The roll was called (on the question before the Senate).

Pending the announcement of the vote, Senator<sup>2</sup> ..... moved a call of the Senate<sup>1</sup>.

Motion carried.

The Secretary<sup>4</sup> was directed to call the roll.

The roll was called, and the following answered to their names:

(ROLL CALL.)

The Secretary<sup>4</sup> announced the absentees.

Time ..... m.

The ..... President<sup>3</sup> ..... directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.<sup>1</sup>

At ..... m., Senators<sup>2</sup> ..... and ..... were brought to the bar of the Senate,<sup>1</sup> and on motion of Senator<sup>2</sup> ..... were excused<sup>6</sup> for absence from the Senate Chamber.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.**

At ..... m., further proceedings under the call of the Senate<sup>1</sup> were dispensed with, on motion of Senator<sup>2</sup>.....

The Secretary<sup>4</sup> was directed to call the roll, on passage of bill, of the Senators<sup>2</sup> who had not answered to their names.

The roll was called, and ..... Bill No. ..... finally passed<sup>7</sup> by the following vote:

**EXPLANATORY NOTE.**

<sup>1</sup>Or House.

<sup>2</sup>Or Mr.

<sup>3</sup>Or other presiding officer.

<sup>4</sup>Or chief clerk.

<sup>5</sup>Or Assembly.

<sup>6</sup>Or other action.

<sup>7</sup>Or refused passage.

**SEC. 241.**

(Form.)

**CASE OF URGENCY.**

(Appropriation Bill.)

The following resolution was offered:

By Senator<sup>1</sup>.....:

*Resolved*, That ..... Bill No. ...., presents a case of urgency as that term is used in section 15 of article IV of the Constitution and the provisions of that section requiring that each bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be now read the second time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators ..... etc. (Requires at least twenty-seven votes in the Senate or fifty-four votes in the Assembly.)

Whereupon, the President<sup>2</sup> declared the provisions of section 15 of article IV of the Constitution suspended for the purpose of considering at this time ..... Bill No. ....

..... Bill No. ....—An Act making an appropriation, etc.

Bill read second time, considered engrossed and ordered on third-reading file.

Bill read third time.

(<sup>4</sup>)

The question being on the passage of the bill.

The roll was called, and ..... Bill No. ..... passed by the following vote:

(ROLL CALL.) (Requires at least twenty-seven votes in the Senate or fifty-four votes in the Assembly.)

Title read and approved.

Bill ordered transmitted to the Assembly<sup>3</sup>.

**EXPLANATORY NOTE.**

<sup>1</sup>Or Mr.

<sup>2</sup>Or other presiding officer.

<sup>3</sup>Or Senate.

<sup>4</sup>If the bill be for the preservation of the public peace, health or safety, then insert at this point:

Section ..... setting forth the urgency clause, read.

The question being, "Shall this section, setting forth the urgency features of the bill, be passed?"

The roll was called, and the urgency section passed by the following vote:  
 AYES—Senators ..... etc. (Requires at least twenty-seven votes in the Senate or fifty-four votes in the Assembly.)

## SEC. 242.

(Form.)

**SPECIAL ORDER.**

Senator<sup>1</sup> ..... moved that ..... Bill No. ..... be made a special order for ..... day, ..... 19....., immediately after the reading of the Journal.

Also :

Senator<sup>1</sup> ..... moved that the further consideration of the motion to reconsider the vote whereby ..... Bill No. ..... was passed,<sup>2</sup> be made a special order for ..... o'clock, on ..... day, ..... 19.....

Motion carried.

**EXPLANATORY NOTE.**

<sup>1</sup>Or Mr.

<sup>2</sup>Or refused passage.

## SEC. 243.

(Form.)

**SPECIAL ORDER RESET.**

On motion of Senator<sup>1</sup> ..... the consideration of ..... Bill No. ..... and ..... Bill No. ..... heretofore set as special orders for this time, were reset as special orders for consideration at ..... o'clock and ..... minutes on ..... day, ..... 19.....

Also :

On motion of Senator<sup>1</sup> ..... the consideration of ..... Bill No. ..... was reset as a special order for consideration at ..... o'clock and ..... minutes on ..... day, ..... 19.....

**EXPLANATORY NOTE.**

<sup>1</sup>Or Mr.

## SEC. 244.

(Form.)

**CONSIDERATION OF SPECIAL ORDER.**

The hour having arrived for the consideration of ..... Bill No. ..... , heretofore set as a special order for ..... o'clock and ..... minutes ..... m., the same was taken up for consideration. ..... Bill No. ..... —An Act, etc.

## SEC. 245.

(Form.)

**RECALL OF BILL FROM COMMITTEE.**

Senator<sup>1</sup> ..... moved that ..... Bill No. ..... be recalled from the Committee on ..... , and that it be forthwith taken up for consideration.<sup>2</sup>

Motion carried, and such was the order.

**EXPLANATORY NOTE**

<sup>1</sup>Or Mr.

<sup>2</sup>Or placed on file.

**SEC. 246.**

(Form.)

**RECALL OF BILLS FROM PRINT.<sup>1</sup>**

Senator<sup>2</sup> ..... moved that ..... Bill No. ..... be recalled from print<sup>1</sup> for the purpose of rescinding amendments adopted on

Motion carried, and such was the order.

Also:

**FROM ENROSSMENT.**

Senator<sup>2</sup> ..... moved that ..... Bill No. ..... be recalled from engrossment for the purpose of rescinding amendments adopted on ..... , and that the same be restored to its place on the second-reading file.

Motion carried, and such was the order.

Also:

**FROM ASSEMBLY.**

Senator<sup>2</sup> ..... moved that ..... Bill No. ..... be recalled from the Assembly, for purpose of reconsideration.

Motion carried, and such was the order.

**EXPLANATORY NOTE.**

<sup>1</sup>Or from engrossment or from the Assembly.

<sup>2</sup>Or Mr.

<sup>3</sup>Or further amendment.

**SEC. 247.**

(Form.)

**FORMER ACTION RECONSIDERED.**

Senator<sup>1</sup> ..... moved a reconsideration of the vote whereby ..... Bills Nos. ..... and ..... were referred to special committees for amendment, that the said committees be discharged, and that such previous action be expunged from the records.

Motion carried, and the records ordered so corrected.

Bills ordered on third-reading file.

**SEC. 248.**

(Form.)

**FORMER ACTION RESCINDED.**

Senator<sup>1</sup> ..... moved that the action taken by the Senate<sup>2</sup> on ..... day, ..... , 19....., in amending ..... Bill No. ..... under special instructions, be rescinded and that such former action be expunged from the records.

Motion carried, and such was the order.

Also:

Senator<sup>1</sup> ..... moved that ..... Bills Nos. ..... and ..... be recalled from print, engrossment and third reading, and be restored to the second-reading file for further consideration; and that such former references in the records be made to read: "On motion of Senator<sup>1</sup> ..... Bill No. ..... was passed on file."

Motion carried, and such was the order.

**EXPLANATORY NOTE.**

<sup>1</sup>Or Mr.

<sup>2</sup>Or Assembly.

**SEC. 249.**

(Form.)

**UNANIMOUS CONSENT GRANTED.**

Senator<sup>1</sup> ..... asked for and was granted unanimous consent to take up under suspension of the rules, for the purpose of amendment Bill No. ....

**EXPLANATORY NOTE.**

'Or Mr.

**PART II. AFTER PASSAGE IN THE HOUSE OF ORIGIN.****SEC. 250.****NOTICES TO BE IN WRITING UNDER PROPER SIGNATURES.**

Notice of the action of either House to the other shall be in writing, and under the signature of the Secretary of the Senate or the Chief Clerk of the House from which such notice is to be conveyed. (*Joint Rule No. 30.*)

**SEC. 251.****SECRETARY, CLERK, ETC., TO DISPATCH MESSAGES.**

Messages shall be sent to the other House by an officer or attache to be designated by the Secretary, if it be a Senate message, or by the Chief Clerk, if it is an Assembly message. (*Joint Rule No. 31.*)

**SEC. 252.****EACH HOUSE TO TRANSMIT PAPERS.**

Each House shall transmit to the other papers on which any bill or resolution shall be founded. (*Joint Rule No. 29.*)

**SEC. 253.****MESSAGES MUST BE ANNOUNCED BY THE SERGEANT-AT-ARMS.**

When a message shall be sent from either House it shall be announced at the door by the Sergeant-at-Arms, and shall be respectfully communicated to the presiding officer by the person by whom it may be sent. (*Joint Rule No. 32.*)

**SEC. 254.****MESSENGERS MAY BE INTRODUCED.**

Messengers may be introduced at any stage of business except while a question is being put, while the ayes and noes are being called, while the ballots are being counted, or while a member is addressing the House. (*Senate Rule No. 81. Assembly Rule No. 64.*)

57

**SEC. 255.****MESSAGES FROM THE OTHER HOUSE.**

Messages from the other house may be considered at any time by ~~vo<sup>1</sup>~~ of the House receiving same. (*Senate Rule No. 82. Assembly Rule No. 65.*)

60

**SEC. 256.****BILLS READ AND REFERRED TO COMMITTEE.**

When a Senate bill has been received by the Assembly or an Assembly bill by the Senate, with a message announcing that the same has passed the Senate or Assembly, such bill shall be read the first time by the Secretary or Chief Clerk and referred to a standing committee, unless otherwise ordered by the House. (*Joint Rule No. 25.*)

**SEC. 257.****AFTER A BILL HAS BEEN PASSED BY THE SENATE OR ASSEMBLY.**

When a bill (if it be a Senate bill) has been received from the Senate by the Assembly, after its passage, or (if it be an Assembly bill) has been received from the Assembly by the Senate after its passage, it shall be taken up by the Senate or Assembly, as the case may be, under the regular order of business ("Senate messages" or "Assembly messages"), read the first time, unless otherwise ordered by the House, and shall then be assigned to the proper committee, unless otherwise ordered, who shall act upon the same as soon as practicable, and report the same back to the Senate or Assembly forthwith, and the chairman of each committee is charged with observance of this rule; *provided*, that the Senate or Assembly may, at any time order such bill reported back from any committee by a majority vote of all the members of the House in which the action is taken. (*Joint Rule No. 26.*)

**SEC. 258.****DISPOSITION OF ASSEMBLY BILLS.**

When an Assembly bill has been received by the Senate, with a message announcing that it has passed the Assembly, such bill shall be read the first time and be referred by the President to a standing committee; *provided, however*, that when an Assembly bill is received, the text of which is stated by a member to be identical with that of a Senate bill, which has already been considered and reported by a standing committee of the Senate, such Assembly bill shall be referred to the Committee on Engrossment and Enrollment for comparison, which committee shall report without delay, whether or not such bill is identical with the Senate bill. If reported identical, such Assembly bill shall be substituted for the Senate bill, shall take its place on the second-reading file and be considered as having received the same committee recommendation as the Senate bill; *provided*, that the fact that the bills are identical shall be entered in the Journal. Such Senate bill shall thereupon be placed upon the file of unfinished business. (*Senate Rule No. 23.*)

**SEC. 259.**

28

**DISPOSITION OF SENATE BILLS.**

When a Senate bill has been received by the House with a message announcing that the same has passed the Senate, such bill shall be referred to a standing committee; *provided, however*, that when a Senate bill is received the provisions of which are stated by a member to

be identical with those of an Assembly bill which has already been considered and reported by a committee of the Assembly, such Senate bill shall be referred to the Committee on Engrossment and Enrollment for comparison, which committee shall report on the next legislative day, whether or not said bill is identical with the Assembly bill; and if reported identical, shall be read the second time, be substituted for the Assembly bill (the latter being considered withdrawn) shall take the latter's place on the Assembly file, and be considered as having received the same recommendation of the Assembly committee; provided, that the fact that the bills are identical shall be entered in the Journal. (Assembly Rule No. 38.)

## SEC. 260.

**BILL OR RESOLUTION IN ONE HOUSE, REJECTED IN THE OTHER,  
REQUIRES NOTICE.**

When a bill or resolution which shall have passed one House is rejected by the other, notice thereof shall be given immediately to the House in which the same shall have passed. (Joint Rule No. 28.)

## SEC. 261.

(Form.)

**MESSAGES FROM THE ASSEMBLY.<sup>1</sup>**

The following messages from the Assembly<sup>1</sup> were taken up and read:

ASSEMBLY<sup>1</sup> CHAMBER, SACRAMENTO, March 25, 1915.

MR. PRESIDENT<sup>2</sup>: I am directed to inform your honorable body that the Assembly<sup>1</sup> on this day passed Assembly<sup>1</sup> Bill No. ....—An Act, etc.

Also: Assembly<sup>1</sup> Bill No. ....—An Act, etc.

Also: Assembly<sup>1</sup> Bill No. ....—An Act, etc.

Also: Assembly<sup>1</sup> Bill No. ....—An Act, etc.

....., Chief Clerk of Assembly.

By....., Assistant Clerk.

Assembly<sup>1</sup> Bill No. .... read first time, and referred to Committee on .....

Assembly<sup>1</sup> Bill No. .... read first time, and referred to Committee on .....

Assembly<sup>1</sup> Bill No. .... read first time, and referred to Committee on .....

Assembly<sup>1</sup> Bill No. .... read first time, and referred to Committee on .....

Also:

SACRAMENTO, March 25, 1915.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly<sup>1</sup> Concurrent Resolution No. .... Providing for the appointment of a committee to devise an improved method of handling bills after introduction.

....., Chief Clerk of Assembly.

By....., Assistant Clerk.

Resolution referred to Committee on Rules.

**EXPLANATORY NOTE.**

<sup>1</sup>Or Senate.

<sup>2</sup>Or other presiding officer.

**SEC. 266.****AMENDMENTS AND SUBSTITUTES—MUST BE GERMANE.**

A substitute or amendment must relate to the same object as the original bill, resolution or constitutional amendment under consideration. (*Senate Rule No. 84. Assembly Rule No. 47.*)

42

**SEC. 267.****LEAST SUM AND SHORTEST TIME IN FILLING BLANKS.**

In filling up blanks, the least sum or number and the shortest time shall be put first. (*Senate Rule No. 35. Assembly Rule No. 77.*)

**SEC. 268.****AMENDMENT OF BILLS REQUIRING TWO-THIRDS VOTE.**

A constitutional amendment or bill requiring a vote of two-thirds of the members elected to the Senate for final adoption or passage may be amended by a majority of those voting. (*Senate Rule No. 86. Assembly Rule No. 31.*)

43

**SEC. 269.****AMENDMENT TO ORIGINAL QUESTION.**

An amendment may be laid on the table without prejudice to the bill. When an amendment proposed to any pending measure shall be laid on the table, it shall not carry with it or prejudice such measure.

If the question in debate contains several propositions, any Senator may have the same divided; except a motion to strike out and insert shall not be divided. The rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor shall it prevent a motion to simply strike out, nor shall the rejection of a motion to strike out prevent a motion to strike out and insert; but pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded, for the purpose of amendment, as a question. Motions to amend the Part to be stricken out shall have precedence. (*Senate Rule No. 37. Assembly Rule No. 45.*)

41

**SEC. 270.****NO AMENDMENT ON THIRD READING, BUT MAY COMMIT.**

No amendment shall be received for discussion at the third reading of any bill; but it shall at all times be in order, before the final passage of such bill, to move its commitment under special instructions to amend. (*Senate Rule No. 38. Assembly Rule No. 37.*)

**SEC. 271.****AMENDMENTS TO AMENDED BILLS MUST BE ATTACHED.**

Whenever a bill or resolution which shall have been passed in one house shall be amended in the other it shall immediately be reprinted as amended by the house making such amendment or amendments. Such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "Adopted," and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be indorsed "Concurred in," and such indorsement shall be signed by the Secretary or Assistant Secretary of the

Senate, or the Chief Clerk or Assistant Clerk of the Assembly, as ~~the~~  
case may be; *provided*, however, that an amendment to the title of ~~a~~  
bill adopted after the passage of such bill shall not necessitate ~~re-~~  
printing, but such amendment must be concurred in by the House ~~in~~  
which such bill originated. (*Joint Rule No. 38.*)

**SEC. 272.****TO CONCUR OR REFUSE TO CONCUR IN AMENDMENTS.**

In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments. If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Chief Clerk shall notify the House making the amendments, and the bill shall be ordered to enrollment. (*Joint Rule No. 39.*)

**SEC. 273.**

(Form.)

**SECOND READING OF ..... BILLS.**

Bill No. ..... —An Act, etc.

**COMMITTEE AMENDMENTS.**

During the second reading of the bill, the following committee amendments were offered:

**AMENDMENT NUMBER ONE.**

On page ..... , line ..... , strike out the words "....." and insert in lieu thereof the following: "....."

Amendment adopted.

**AMENDMENT NUMBER TWO.**

On page ..... , etc.

Amendment adopted.

**SEC. 274.**

(Form.)

**SECOND READING OF ..... BILLS—(OUT OF ORDER).**

Senator<sup>1</sup> ..... asked for and was granted unanimous consent to take up the second-reading file of ..... bills, under suspension of the rules.

Bill No. .....

**COMMITTEE AMENDMENTS.**

During the second reading of the bill, the following committee amendments were offered:

**AMENDMENT NUMBER ONE.**

On page ..... , section ..... , line ..... , after the word ..... insert the following: .....

Amendment adopted.

Bill read the second time, and ordered to print, engrossment and third reading.

**EXPLANATORY NOTE.**<sup>1</sup>Or Mr.**SEC. 275.**

(Form.)

**AMENDMENTS FROM FLOOR.**

During the second reading of the bill, the following amendments were offered and their adoption moved by Senator<sup>1</sup> ..... :

## AMENDMENT NUMBER ONE.

On page 1, in line 9 of the printed bill, strike out the words "....." and insert in lieu thereof the following: ".....".

Amendment adopted.

## AMENDMENT NUMBER TWO, (ETC.)

## EXPLANATORY NOTE.

<sup>1</sup>Or Mr.

## SEC. 276.

## CONSIDERATION OF BILLS, ETC., OUT OF THE REGULAR ORDER.

(Form.)

SECOND<sup>2</sup> READING OF BILL—(OUT OF ORDER).

Senator<sup>1</sup> ..... asked for, and was granted, unanimous consent to take up for second<sup>2</sup> reading, under suspension of the rules, Bill No. .....—An Act, etc.

Also:

## CONSIDERATION OF RESOLUTION—(OUT OF ORDER).

Senator ..... asked for, and was granted, unanimous consent to take up for consideration, under suspension of the rules, Joint<sup>3</sup> Resolution<sup>4</sup> No. ...., Relative to.....

## EXPLANATORY NOTE.

<sup>1</sup>Or Mr.

<sup>2</sup>Or third.

<sup>3</sup>Or concurrent.

<sup>4</sup>Or constitutional amendment.

## SEC. 277.

(Form.)

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During the third reading of the bill, Senator<sup>1</sup> ..... moved to refer ..... Bill No. ..... to Senator<sup>1</sup> ..... as a Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

By striking out of page ....., line ....., of printed bill, the word ..... and inserting in lieu thereof the word .....

## AMENDMENT NUMBER TWO.

By striking out of page ....., lines ..... and ....., the word ..... and insert in lieu thereof the word .....

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

Mr. President<sup>2</sup>: Your Special Committee of One, to which was referred ..... Bill No. ...., with instructions to amend, respectfully reports the same back, amended as per instructions. ...., Committee.

Report read, and on motion of Senator<sup>1</sup> ..... adopted.

Bill ordered to print and re-engrossment

## SEC. 278.

(Form.)

**REFERENCE TO SPECIAL COMMITTEE OF ONE.**

(On recommendation of Standing Committee.)

SACRAMENTO, March 29, 1915.

**MR. PRESIDENT<sup>1</sup>:** Your Committee on ..... to which was referred Senate<sup>2</sup> Bill No. ....—An Act .....—has had the same under consideration and reports the same back with recommendation that it be referred to a Special Committee of One to amend as follows:

**AMENDMENT NUMBER ONE.**

In line ....., page ....., after the word ".....", insert the words ".....". Chairman.

Report adopted.

**APPOINTMENT OF SPECIAL COMMITTEE OF ONE.**

Whereupon the President<sup>1</sup> appointed Senator<sup>3</sup> ..... a Special Committee of One to amend Senate<sup>2</sup> Bill No. ..... in accordance with the above report.

**REPORT OF SPECIAL COMMITTEE OF ONE.**SENATE<sup>2</sup> CHAMBER, SACRAMENTO, March 29, 1915.

**MR. PRESIDENT<sup>1</sup>:** Your Special Committee of One, to which was referred Senate<sup>2</sup> Bill No. ...., with instructions to amend, respectfully reports the same back, amended as per instructions.

....., Committee.

Report read and, on motion of Senator<sup>3</sup> ....., adopted.

Bill ordered to print and re-engrossment.

**EXPLANATORY NOTE.**<sup>1</sup>Or other presiding officer.<sup>2</sup>Or Assembly.<sup>3</sup>Or Mr.

## SEC. 279.

(Form.)

**TITLE AMENDED.**

Senator<sup>1</sup> ..... moved to amend the title of Senate<sup>2</sup> Bill No. ..... by adding thereto the following: “.....”

Amendment adopted.

Title, as amended, read and approved.

Bill ordered to print and re-engrossment, and transmitted to the Assembly.

N. B.—This procedure used only on third reading and after passage of the bill.

**EXPLANATORY NOTE.**<sup>1</sup>Or Mr.

## SEC. 280.

(Form.)

**FORMER ACTION RECONSIDERED.**

Senator<sup>1</sup> ..... moved a reconsideration of the vote where by Bills Nos. ..... and ..... were referred to special committees for amendment, that the said committees be discharged, and that such previous action be expunged from the records.

Motion carried, and the records ordered so corrected.

Bills ordered on third-reading file.

## AMENDMENT NUMBER ONE.

On page 1, in line 9 of the printed bill, strike out the words "....." and insert in lieu thereof the following: ".....".

Amendment adopted.

## AMENDMENT NUMBER TWO, (ETC.)

## EXPLANATORY NOTE.

<sup>1</sup>Or Mr.

## SEC. 276.

## CONSIDERATION OF BILLS, ETC., OUT OF THE REGULAR ORDER.

(Form.)

SECOND<sup>2</sup> READING OF BILL—(OUT OF ORDER).

Senator<sup>1</sup> ..... asked for, and was granted, unanimous consent to take up for second<sup>2</sup> reading, under suspension of the rules, ..... Bill No. .....—An Act, etc.

Also:

## CONSIDERATION OF RESOLUTION—(OUT OF ORDER).

Senator ..... asked for, and was granted, unanimous consent to take up for consideration, under suspension of the rules, ..... Joint<sup>3</sup> Resolution<sup>4</sup> No. ..... Relative to .....

## EXPLANATORY NOTE.

<sup>1</sup>Or Mr.

<sup>2</sup>Or third.

<sup>3</sup>Or concurrent.

<sup>4</sup>Or constitutional amendment.

## SEC. 277.

(Form.)

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

During the third reading of the bill, Senator<sup>1</sup> ..... moved to refer ..... Bill No. ..... to Senator<sup>1</sup> ..... as Special Committee of One, to amend as follows:

## AMENDMENT NUMBER ONE.

By striking out of page ..... , line ..... , of printed bill, the word ..... , and inserting in lieu thereof the word .....

## AMENDMENT NUMBER TWO.

By striking out of page ..... , lines ..... and ..... , the word ..... , and inserting in lieu thereof the word .....

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

Mr. President<sup>2</sup>: Your Special Committee of One, to which was referred ..... Bill No. ..... , with instructions to amend, respectfully reports the same back, amended as per instructions.

....., Committee.

Report read, and on motion of Senator<sup>1</sup> ..... , adopted.  
Bill ordered to print and re-engrossment

## EXPLANATORY NOTE.

<sup>1</sup>Or Mr.

<sup>2</sup>Or Mr. Speaker.

## SEC. 278.

(Form.)

**REFERENCE TO SPECIAL COMMITTEE OF ONE.**

(On recommendation of Standing Committee.)

SACRAMENTO, March 29, 1915.

MR. PRESIDENT<sup>1</sup>: Your Committee on ..... to which was referred Senate<sup>2</sup> Bill No. .....—An Act .....—has had the same under consideration and reports the same back with recommendation that it be referred to a Special Committee of One to amend as follows:

**AMENDMENT NUMBER ONE.**

In line ..... , page ..... , after the word “.....”, insert the words “.....”.  
....., Chairman.

Report adopted.

**APPOINTMENT OF SPECIAL COMMITTEE OF ONE.**

Whereupon the President<sup>1</sup> appointed Senator<sup>3</sup> ..... a Special Committee of One to amend Senate<sup>2</sup> Bill No. ..... in accordance with the above report.

**REPORT OF SPECIAL COMMITTEE OF ONE.**SENATE<sup>2</sup> CHAMBER, SACRAMENTO, March 29, 1915.

MR. PRESIDENT<sup>1</sup>: Your Special Committee of One, to which was referred Senate Bill No. ..... , with instructions to amend, respectfully reports the same back, amended as per instructions.

....., Committee—.

Report read and, on motion of Senator<sup>3</sup> ..... , adopted.

Bill ordered to print and re-engrossment.

**EXPLANATORY NOTE.**<sup>1</sup>Or other presiding officer.<sup>2</sup>Or Assembly.<sup>3</sup>Or Mr.

## SEC. 279.

(Form.)

**TITLE AMENDED.**

Senator<sup>1</sup> ..... moved to amend the title of Senate<sup>2</sup> Bill No. ..... by adding thereto the following: “.....”

Amendment adopted.

Title, as amended, read and approved.

Bill ordered to print and re-engrossment, and transmitted to the Assembly.

N. B.—This procedure used only on third reading and after passage of the bill.

**EXPLANATORY NOTE.**<sup>1</sup>Or Mr.

## SEC. 280.

(Form.)

**FORMER ACTION RECONSIDERED.**

Senator<sup>1</sup> ..... moved a reconsideration of the vote whereby Bills Nos. ..... and ..... were referred to special committees for amendment, that the said committees be discharged, and that such previous action be expunged from the records.

Motion carried, and the records ordered so corrected.

Bills ordered on third-reading file.

recede, the presiding officer shall appoint a committee of three (3) on conference and the Secretary, or Chief Clerk, shall immediately notify the other house of the action taken and request the appointment of a like committee. Two of the members comprising such committee from each House shall be selected from those voting with the majority on the point about which the difference has arisen, and the other member from each House of such committee shall be selected from the minority, in the event there is a minority vote. The first Senator named on the conference committee shall act as chairman of the committee from the Senate, and the first Assemblyman named on such committee shall act as chairman of the committee from the House, and the chairmen thus selected shall arrange the time and place of all meetings and prepare or direct the preparation of reports. The committee on conference shall report to both the Senate and Assembly. (*Joint Rule No. 40.*)

**SEC. 286.****COMMITTEE ON CONFERENCE.**

In every case of an amendment of a bill agreed to in one house and dissented from in the other, if either house shall request a conference and appoint a committee to confer, the other house shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by the respective chairmen of the committees. (*Joint Rule No. 41.*)

**SEC. 287.****COMMITTEE ON FREE CONFERENCE.**

If the conference fail to agree or either house refuse to adopt the report of the committee, a committee on free conference shall then be appointed, which shall consist of three members from each house, to be constituted and appointed in the same manner as a committee on conference. The committee on free conference is hereby directed to include in its report any amendments which it may adopt as a committee, and such amendments shall be attached to the bill.

The report of the committee on free conference shall not be subject to amendment, and if either house refuse to adopt such report, the conferees may be discharged and other conferees appointed.

It shall require the affirmative vote of not less than four of the members constituting the committee to agree upon a report. No member who has served on a committee on conference shall be appointed a member of a committee on free conference on the same bill. (*Joint Rule No. 42.*)

**SEC. 288.****WHEN CONFERENCE COMMITTEE REPORT IS IN ORDER.**

The presentation of the report of a committee on conference or free conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or during roll call, and, when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate. (*Joint Rule No. 43.*)

## SEC. 283.

(Form.)

## CONSIDERATION OF ASSEMBLY AMENDMENTS—(OUT OF ORDER).

On motion of Senator<sup>1</sup> ..... the Senate<sup>2</sup> took up for consideration Assembly amendments to Senate bills, out of the regular order.

## EXPLANATORY NOTE.

<sup>1</sup>Or Mr.

<sup>2</sup>Or Assembly took up for consideration Senate amendments to Assembly bills.

## SEC. 284.

(Form.)

MESSAGE FROM THE ASSEMBLY.<sup>1</sup>(Requesting Senate<sup>2</sup> to recede from its amendments.)ASSEMBLY<sup>1</sup> CHAMBER, SACRAMENTO, ..... 19.....

MR. PRESIDENT<sup>3</sup>: I am directed to inform your honorable body that the Assembly<sup>1</sup> on this day refused to concur in Senate<sup>2</sup> amendments to Assembly<sup>1</sup> Bill No. ...., and respectfully requests that the Senate<sup>2</sup> recede from the same<sup>4</sup>.

By ..... Chief Clerk<sup>5</sup> of Assembly<sup>1</sup>  
By ..... Assistant Clerk<sup>6</sup>

Senator<sup>7</sup> ..... moved that the Senate<sup>2</sup> recede from Senate<sup>2</sup> amendments to Assembly<sup>1</sup> Bill No. ....<sup>8</sup>

The question being, "Shall the Senate<sup>2</sup> recede from Senate<sup>2</sup> amendments to Assembly<sup>1</sup> Bill No. ....?"

The roll was called, and the Senate<sup>2</sup> refused to recede<sup>9</sup> from Senate<sup>2</sup> amendments to Assembly<sup>1</sup> Bill No. ..... by the following vote:

AYES—Senators<sup>10</sup> ..... etc.NOES—Senators<sup>10</sup> ..... etc.

The Secretary<sup>11</sup> was directed to notify the Assembly<sup>1</sup> of the Senate<sup>2</sup> refusal<sup>10</sup> to recede.

## EXPLANATORY NOTE.

<sup>1</sup>Or Senate.<sup>2</sup>Or Assembly.<sup>3</sup>Or Speaker.<sup>4</sup>Or Mr.

<sup>5</sup>In some instances this procedure is had without a motion from the floor, the presiding officer putting the question without special authorization. In this event these two lines should be omitted.

<sup>6</sup>Or receded.<sup>7</sup>Or Messrs.<sup>8</sup>Or Secretary.<sup>9</sup>Or Chief Clerk.<sup>10</sup>Or decision.

## PART II. CONFERENCES.

N. B.—For a complete explanation of the subject of Conferences, see sections 544-6.

## SEC. 285.

## WHEN SENATE OR ASSEMBLY REFUSES TO CONCUR.

If the Senate refuse to concur (if it be a Senate bill), or the Assembly refuse to concur (if it be an Assembly bill), the Secretary, or Chief Clerk, shall notify the House making the amendments of such refusal and ask that they recede from their amendments. If they refuse to

with a like committee from the Assembly<sup>2</sup> for the consideration of Senate<sup>1</sup> Bill No. ....

The Secretary was directed to notify the Assembly<sup>2</sup> of the Senate's<sup>1</sup> appointment of Committee on Free Conference.

**EXPLANATORY NOTE.**

<sup>1</sup>Or Assembly.

<sup>2</sup>Or Senate.

<sup>3</sup>Or Messrs.

<sup>4</sup>Or other presiding officer.

**SEC. 292.**

(Form.)

**REPORT OF COMMITTEE ON FREE CONFERENCE.**

The following report was received and read:

Senate<sup>1</sup> Chamber, Sacramento, May 9, 19.....

Mr. PRESIDENT<sup>2</sup>: Your Committee on Free Conference concerning..... Bill No. .....—An Act, etc.—reports that we have met a like committee of the Assembly,<sup>3</sup> consisting of Assemblymen<sup>4</sup> ....., ....., and ..... and we report that the Free Conference Committee agreed upon and recommends that the following amendments be adopted:

**AMENDMENT NUMBER ONE.**

Amend the title of the printed bill by striking out all of lines..... and..... of the title and inserting in lieu thereof the following:

**AMENDMENT NUMBER TWO.**

Strike out all of the printed bill from and including line ....., page ....., to and including line ....., page .....

**AMENDMENT NUMBER THREE.**

On page ....., of the printed bill, strike out all of section ..... and insert in lieu thereof the following:

Section .....

**AMENDMENT NUMBER FOUR.**

On page ....., strike out all of section ....., and insert in lieu thereof the following:

Section .....

**AMENDMENT NUMBER FIVE.**

On page ....., of the printed bill, strike out all of section .....

.....  
.....  
.....

Assembly Committee on Free Conference.  
.....  
.....

Senate Committee on Free Conference.

The question being on the adoption of the report of the Committee on Free Conference and the amendments.

The roll was called, and the report of the Committee on Free Conference and the amendments adopted<sup>5</sup> by the following vote:

(ROLL CALL.)

Senate<sup>1</sup> Bill No. ..... and report of Committee on Free Conference ordered transmitted<sup>6</sup> to the Assembly.<sup>4</sup>

**EXPLANATORY NOTE.**

<sup>1</sup>Or Assembly.

<sup>2</sup>Or Speaker.

<sup>3</sup>Or Senate.

<sup>4</sup>Or Senators.

<sup>5</sup>Or rejected.

<sup>6</sup>Or (in the event that the Assembly has already acted and both actions are favorable) to enrollment.

## CHAPTER VII.

### MOTIONS, DEBATES AND VOTING.

#### CHAPTER CONTENTS.

##### PART I. MOTIONS.

- Sec. 293. Cases not provided for, Robert to govern. (Senate rule; Assembly rule.)
- Sec. 294. Protest of members. (Assembly rule.)
- Sec. 295. Executive session. (Senate rule.)
- Sec. 296. Question indefinitely postponed. (Assembly rule.)
- Sec. 297. Division of questions. (Assembly rule.)
- Sec. 298. Motions to be stated by Speaker, and if desired shall be reduced to writing, or may be withdrawn. (Assembly rule.)
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- Sec. 300. Notice of reconsideration. (Assembly rule.)
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- Sec. 302. Secretary, upon notice of reconsideration, not to report bill to Assembly. (Senate rule.)
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- Sec. 323. Calling members to order when transgressing rules. (Assembly rule.)
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- Sec. 325. Previous question demanded. (Assembly rule.)
- Sec. 326. Previous question. (Assembly rule.)
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- Sec. 331. Voting on bills, etc. (Constitution.)
- Sec. 332. Necessary votes on Senate actions.
- Sec. 333. Necessary votes on Assembly actions.
- Sec. 333½ Lieutenant Governor to have casting vote. (Constitution.)

with a like committee from the Assembly<sup>2</sup> for the consideration of Senate<sup>1</sup> Bill No. ....

The Secretary was directed to notify the Assembly<sup>2</sup> of the Senate's<sup>1</sup> appointment of Committee on Free Conference.

**EXPLANATORY NOTE.**

<sup>1</sup>Or Assembly.

<sup>2</sup>Or Senate.

<sup>3</sup>Or Messrs.

<sup>4</sup>Or other presiding officer.

**SEC. 292.**

(Form.)

**REPORT OF COMMITTEE ON FREE CONFERENCE.**

The following report was received and read:

Senate<sup>1</sup> Chamber, Sacramento, May 9, 19.....

MR. PRESIDENT<sup>2</sup>: Your Committee on Free Conference concerning..... Bill No. .....—An Act, etc.—reports that we have met a like committee of the Assembly,<sup>3</sup> consisting of Assemblymen<sup>4</sup> ....., ....., and .....; and we report that the Free Conference Committee agreed upon and recommends that the following amendments be adopted:

**AMENDMENT NUMBER ONE.**

Amend the title of the printed bill by striking out all of lines..... and..... of the title and inserting in lieu thereof the following:

**AMENDMENT NUMBER TWO.**

Strike out all of the printed bill from and including line ....., page ....., to and including line ....., page .....

**AMENDMENT NUMBER THREE.**

On page ....., of the printed bill, strike out all of section ..... and insert in lieu thereof the following:

Section .....

**AMENDMENT NUMBER FOUR.**

On page ....., strike out all of section ....., and insert in lieu thereof the following:

Section .....

**AMENDMENT NUMBER FIVE.**

On page ....., of the printed bill, strike out all of section .....

.....

.....

Assembly Committee on Free Conference.

.....

.....

Senate Committee on Free Conference.

The question being on the adoption of the report of the Committee on Free Conference and the amendments.

The roll was called, and the report of the Committee on Free Conference and the amendments adopted<sup>5</sup> by the following vote:

**(ROLL CALL.)**

Senate<sup>1</sup> Bill No. ..... and report of Committee on Free Conference ordered transmitted<sup>6</sup> to the Assembly.<sup>4</sup>

**EXPLANATORY NOTE.**

<sup>1</sup>Or Assembly.

<sup>2</sup>Or Speaker.

<sup>3</sup>Or Senate.

<sup>4</sup>Or Senators.

<sup>5</sup>Or rejected.

<sup>6</sup>Or (in the event that the Assembly has already acted and both actions are favorable) to enrollment.

**SEC. 297.****DIVISION OF QUESTIONS.**

N. B.—See, also, Section 269, Senate Rule No. 21.41

Any member may call for a division of the question, which shall be divided if it comprehend propositions in substance so distinct that one being taken away, a substantive proposition shall remain for the decision of the house. A motion to strike out being lost, shall preclude neither a motion to add to nor a motion to strike out and insert. (Assembly Rule No. 45.)

**SEC. 298.****MOTIONS TO BE STATED BY SPEAKER, AND IF DESIRED SHALL BE REDUCED TO WRITING, OR MAY BE WITHDRAWN.**

No motion shall be debated until the same be seconded and distinctly announced by the Speaker; and it shall be reduced to writing, if desired by the Speaker, or any member, and be read by the Clerk, before the same shall be debated. A motion may be withdrawn, by leave of the house, at any time before amendment or decision. (Assembly Rule No. 49. Senate Rule No. 48.)

**SEC. 299.****MOTION TO ADJOURN.**

A motion to adjourn shall always be in order, except during roll call. The Clerk shall enter on the Journal the name of any member moving an adjournment, also the hour at which the motion was made and adjournment taken.

When a motion is made and seconded to adjourn, it shall be in order for the Speaker, before putting the question, to permit any member to state any fact to the house relating to the condition of the business of the house which would seem to render it improper to adjourn at that time. Such statement, however, shall not be debatable, and such statement or statements shall not, in any case, occupy more than two minutes. (Assembly Rule No. 5.)

**SEC. 300.****NOTICE OF RECONSIDERATION.**

On the day succeeding that on which a final vote on any bill, concurrent or joint resolution, or constitutional amendment has been taken, said vote may be reconsidered on motion of any member; provided, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a Senator voting with the prevailing side; and it shall not be in order to reconsider on the day on which such final vote was taken. Said motion for reconsideration shall have precedence over every other motion, except a motion to adjourn. It shall require a majority vote to carry any motion to reconsider the vote by which any bill, concurrent or joint resolution has been passed or defeated, and a two-thirds majority to carry any motion to reconsider the vote by which any constitutional amendment has been passed or defeated. Notice of reconsideration shall not be in order on the day preceding the last day of the session. (Senate Rule No. 40. Assembly Rule No. 63.)

**SEC. 301.****RECONSIDERATION OF BILLS SENT TO ASSEMBLY.**

When a bill, resolution, amendment, order or message upon which a vote has been taken shall have gone out of the possession of the Senate and been communicated to the Assembly, a motion to reconsider shall be preceded by a motion to request the Assembly to return the same, which last-named motion shall be acted upon immediately and without debate, and if determined in the negative, shall be a final disposition of the motion to reconsider. (*Senate Rule No. 41.*)

55

**SEC. 302.****SECRETARY, UPON NOTICE OF RECONSIDERATION, NOT TO REPORT BILL TO ASSEMBLY.**

If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not transmit the bill, concurrent or joint resolution, or constitutional amendment to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired, unless the bill or resolution has already been transmitted to the Assembly. (*Senate Rule No. 42.*)

57

**SEC. 303.****MOTION TO RECONSIDER MAY BE DEBATED.**

~~3~~ A Senator, after a notice to reconsider is given, as provided in Rule ~~30~~, may at the reconsideration thereof, present the main question in his argument thereon, and the same may be debated by the Senate provided that the subject-matter is debatable. (*Senate Rule No. 48.*)

56

**SEC. 304.**

(Form.)

**QUESTION OF PERSONAL PRIVILEGE.**

Senator<sup>1</sup> ..... arose to a question of personal privilege and addressed the Senate<sup>2</sup> as follows:

**EXPLANATORY NOTE.**<sup>1</sup>Or Mr.<sup>2</sup>Or Assembly.**SEC. 305.**

(Form.)

**POINT OF ORDER.**

Senator<sup>1</sup> ..... raised the point of order that "The motion to reconsider had not been made, but only notice of motion to reconsider given."

**DECISION ON POINT OF ORDER.**

The President<sup>2</sup> announced his decision and declared the point of order ~~well taken~~.

1. 10.

## ART. 8. SEC. 1.

*SENATOR* \_\_\_\_\_  
 That in case of emergency "The submission of the resolution before the President to a Federal master, would not be sufficient to affect it at the time that the Foreign Relations."

## ART. 8. SEC. 2.

"The Government concerned by foreign and present the point of  
 "the day and hours  
 "to receive such  
 "for the  
 "or other suitable place."

2nd. 11.

## ART. 8.

## ART. 8. SEC. 3. DECISION OF THE CHAIR.

*SENATOR* \_\_\_\_\_  
 "against from the decision of the Chair.  
 "The Government concerned by foreign and present the point of the President:  
 "that no "can sustain the same."  
 "The day and hours such the decision of the President" sustained" by  
 "the Government concerned."  
 "Mr. A. L. S.,  
 "Vice-President of the Senate  
 "Mr.  
 "Mr. Secretary of State.  
 "Mr. Admiralty.  
 "Mr. Treasury.

3rd. 11.

(Form.)

## MOTION TO LAY ON THE TABLE.

*SENATOR* \_\_\_\_\_ moved that \_\_\_\_\_ Resolution No. \_\_\_\_\_  
 "be laid on the table.

The question being on the motion to lay on the table.

The roll was called, and \_\_\_\_\_ Resolution No. \_\_\_\_\_  
 "laid on the table by the following vote:

(TALLY CANDIDATE)

EXPLANATORY NOTE.

(OF MR.

4th. 11.

(Form.)

## NOTICE OF MOTION TO ADOPT RESOLUTION.

*SENATOR* \_\_\_\_\_ gave notice that on \_\_\_\_\_ day,  
 "19 \_\_\_\_\_, immediately after the disposition of the  
 "special order already set, he will move the adoption of the above resolution changing the standing rules of the Senate."

EXPLANATORY NOTE.

(OF MR.

(OF Assembly,

**SEC. 301.****RECONSIDERATION OF BILLS SENT TO ASSEMBLY.**

When a bill, resolution, amendment, order or message upon which a vote has been taken shall have gone out of the possession of the Senate and been communicated to the Assembly, a motion to reconsider shall be preceded by a motion to request the Assembly to return the same, which last-named motion shall be acted upon immediately and without debate, and if determined in the negative, shall be a final disposition of the motion to reconsider. (*Senate Rule No. 41.*)

53

**SEC. 302.****SECRETARY, UPON NOTICE OF RECONSIDERATION, NOT TO REPORT BILL TO ASSEMBLY.**

If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not transmit the bill, concurrent or joint resolution, or constitutional amendment to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired, unless the bill or resolution has already been transmitted to the Assembly. (*Senate Rule No. 42.*)

54

**SEC. 303.****MOTION TO RECONSIDER MAY BE DEBATED.**

~~3~~ A Senator, after a notice to reconsider is given, as provided in Rule 40, may at the reconsideration thereof, present the main question in his argument thereon, and the same may be debated by the Senate provided that the subject-matter is debatable. (*Senate Rule No. 43.*)

55

**SEC. 304.**

(Form.)

**QUESTION OF PERSONAL PRIVILEGE.**

Senator<sup>1</sup> ..... arose to a question of personal privilege and addressed the Senate<sup>2</sup> as follows:

**EXPLANATORY NOTE.**<sup>1</sup>Or Mr.<sup>2</sup>Or Assembly.**SEC. 305.**

(Form.)

**POINT OF ORDER.**

Senator<sup>1</sup> ..... raised the point of order that "The motion to reconsider had not been made, but only notice of motion to reconsider given."

**DECISION ON POINT OF ORDER.**

The President<sup>2</sup> announced his decision and declared the point of order well taken.

## SEC. 311.

(Form.)

## RESOLUTION.

(Appropriating Money.)

The following resolution was offered:

By Senator<sup>1</sup> ..... :

*Resolved, etc.* (appropriating money but not for contingent expense.)  
Resolution read.

Senator<sup>1</sup> ..... moved that the resolution be adopted.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:  
(ROLL CALL.)

Also:

The following resolution was offered:

By Committee on Contingent Expenses:

*Resolved,* That the Controller be, and he is hereby, authorized and directed to draw his warrant on the contingent fund of the Senate in favor of the various firms or persons named below for the amounts set opposite their names as per itemized statements herein, and the State Treasurer is hereby directed to pay the same.

## Engrossing and Enrolling Clerk—

1 No. 221 VL filing stand.....	\$28 35
300 No. 631 folders .....	4 02
300 No. 451-3 blank guides .....	3 00
2 locks for stand .....	2 00
	_____ \$37 37

## General use—

1 doz. type brushes .....	\$ .90
rent of 13 typewriter tables for month of January..	6 50
rent of 23 typewriters for month of January.....	69 00
	_____ \$76 40

## Telephone &amp; Telegraph Co.—

rent of 5 stations to February 1.....	\$4 50
	_____ \$4 50

## Sergeant-at-Arms and Pages—

19 badges @ \$1.00.....	\$19 00
6 badges @ \$.75.....	4 50
	_____ \$23 50

## General use—

1 3x5 card index outfit .....	\$2 00
1 time book .....	50
1 favorite file .....	90
1 No. 3 stamp pad .....	35
1 doz. band daters .....	75
1 No. 511 I-P loose leaf book and fillers, complete..	2 33
	_____ \$6 83

Total ..... \$148 60 ..... Chairman.

Resolution read.

Senator ..... moved that the resolution be adopted.  
The roll was called, and the resolution adopted by the following vote:  
AYES—Senators .....

NOES—.....

EXPLANATORY NOTE.

1Or Mr.

**SEC. 312.**(Form.)  
**RESOLUTION.**

The following resolution was offered:

By Senator<sup>1</sup>.....:

*Resolved*, etc.

Resolution read and on motion, of Senator<sup>1</sup> ....., adopted.

**EXPLANATORY NOTE.**

<sup>1</sup>Or Mr.

**SEC. 312½.**(Form.)  
**RESOLUTION—(OUT OF ORDER).**

By consent of the Senate the following resolution was offered, out of the regular order:

**SEC. 313.**(Form.)  
**MOTION WITHDRAWN.**

Senator<sup>1</sup> ..... withdrew his motion to recall .....  
Bill No. ..... from the Committee on .....

**EXPLANATORY NOTE.**

<sup>1</sup>Or Mr.

**PART II. DEBATES.****SEC. 314.****DECORUM AND DEBATE.**

1. When a Senator desires to address the Senate he shall rise in his place, address the President, and when recognized he shall proceed to speak.

2. No Senator shall speak more than twice in any one debate on the same day, and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) so long as any Senator who has not spoken desires to speak.

3. No Senator shall be interrupted when speaking, and no question shall be asked him except those through the presiding officer.

4. The author of a bill, motion, or resolution shall have the privilege of closing the debate. (*Senate Rule No. 44. Assembly Rules Nos. 79 and 50.*)

45

**SEC. 315.****SENATOR ENTITLED TO FLOOR.**

When two or more members arise at the same time to address the house, the presiding officer shall designate the member who is entitled to the floor. (*Senate Rule No. 45. Assembly Rule No. 51.*)

46

**SEC. 316.****SENATOR, WHEN CALLED TO ORDER, MUST SIT DOWN.**

When a member shall be called to order he shall sit down until the presiding officer shall have determined whether he is in order or not; and every question of order shall be decided by the presiding officer, subject to an appeal to the house by any member.

## SEC. 311.

(Form.)

## RESOLUTION.

(Appropriating Money.)

The following resolution was offered:

By Senator<sup>1</sup> .....*Resolved, etc.* (appropriating money but not for contingent expense.)  
Resolution read.Senator<sup>1</sup> ..... moved that the resolution be adopted.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:  
(ROLL CALL.)

Also:

The following resolution was offered:

By Committee on Contingent Expenses:

*Resolved*, That the Controller be, and he is hereby, authorized and directed to draw his warrant on the contingent fund of the Senate in favor of the various firms or persons named below for the amounts set opposite their names as per itemized statements herein, and the State Treasurer is hereby directed to pay the same.

## Engrossing and Enrolling Clerk—

1 No. 221 VL filing stand.....	\$28 35
300 No. 631 folders .....	4 02
300 No. 451-3 blank guides .....	3 00
2 locks for stand .....	2 00
	_____ \$37 37

## General use—

1 doz. type brushes .....	\$ .90
rent of 13 typewriter tables for month of January..	6 50
rent of 23 typewriters for month of January.....	69 00
	_____ \$76 40

## Telephone &amp; Telegraph Co.—

rent of 5 stations to February 1.....	\$4 50
	_____ \$4 50

## Sergeant-at-Arms and Pages—

19 badges @ \$1.00.....	\$19 00
6 badges @ \$.75.....	4 50
	_____ \$23 50

## General use—

1 3x5 card index outfit .....	\$2 00
1 time book .....	50
1 favorite file .....	90
1 No. 3 stamp pad .....	35
1 doz. band daters .....	75
1 No. 511 I-P loose leaf book and fillers, complete..	2 33
	_____ \$6 83

Total ..... \$148 60  
..... Chairman.

Resolution read.

Senator ..... moved that the resolution be adopted.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators .....

NOES—.....

EXPLANATORY NOTE.

<sup>1</sup>Or Mr.

**SEC. 312.**(Form.)  
**RESOLUTION.**

The following resolution was offered:

By Senator<sup>1</sup>.....:

*Resolved*, etc.

Resolution read and on motion, of Senator<sup>1</sup> ....., adopted.

**EXPLANATORY NOTE.**

<sup>1</sup>Or Mr.

**SEC. 312½.**(Form.)  
**RESOLUTION—(OUT OF ORDER).**

By consent of the Senate the following resolution was offered, out of the regular order:

**SEC. 313.**(Form.)  
**MOTION WITHDRAWN.**

Senator<sup>1</sup> ..... withdrew his motion to recall .....  
Bill No. ..... from the Committee on .....

**EXPLANATORY NOTE.**

<sup>1</sup>Or Mr.

**PART II. DEBATES.****SEC. 314.****DECORUM AND DEBATE.**

1. When a Senator desires to address the Senate he shall rise in his place, address the President, and when recognized he shall proceed to speak.

2. No Senator shall speak more than twice in any one debate on the same day, and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) so long as any Senator who has not spoken desires to speak.

3. No Senator shall be interrupted when speaking, and no question shall be asked him except those through the presiding officer.

4. The author of a bill, motion, or resolution shall have the privilege of closing the debate. (*Senate Rule No. 44. Assembly Rules Nos. 79 and 50.*)

45

**SEC. 315.****SENATOR ENTITLED TO FLOOR.**

When two or more members arise at the same time to address the house, the presiding officer shall designate the member who is entitled to the floor. (*Senate Rule No. 45. Assembly Rule No. 51.*)

46

**SEC. 316.****SENATOR, WHEN CALLED TO ORDER, MUST SIT DOWN.**

When a member shall be called to order he shall sit down until the presiding officer shall have determined whether he is in order or not; and every question of order shall be decided by the presiding officer, subject to an appeal to the house by any member.

If a member be called to order for words spoken, the objectionable language shall immediately be taken down in writing by the Secretary or Chief Clerk. (*Senate Rule No. 46. Assembly Rules Nos. 6, 52, 53.*)

47

**SEC. 317.****PRECEDENCE OF QUESTIONS IN DEBATE.**

When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

Provided, however, that during a call of the Senate, it may consider and transact any matter or business that the Senators then present shall unanimously decide to consider, but no call of the Senate shall be had, during a call of the Senate, on any matter so taken up or considered while the Senate is under call. (*Senate Rule No. 47. Assembly Rule No. 48.*)

48

**SEC. 318.****MOTION NOT TO BE DEBATED UNTIL SECONDED AND ANNOUNCED.**

No motion shall be debated until the same be seconded and distinctly announced by the presiding officer; and it shall be reduced to writing if desired by the presiding officer or any member, and read by the Secretary or Chief Clerk, before the same shall be debated. (*Senate Rule No. 48. Assembly Rule No. 49.*)

49

**SEC. 319.****READING OF A PAPER, IF OBJECTED TO, DETERMINED WITHOUT DEBATE.**

When the reading of a paper (except a petition) is called for, and the same is objected to by any member, the question shall be determined by a vote of the House, without debate, upon a brief statement of its substance by the presiding officer. (*Senate Rule No. 49. Assembly Rule No. 67.*)

50

**SEC. 320.****FORM OF PREVIOUS QUESTION—CALL OF SENATE.**

The previous question shall be put in the following form: "Shall the question be now put?" It shall only be admitted when demanded by a majority of the Senators present upon division; and its effect shall be to put an end to all debate except that the author of the bill or the amendments shall have the right to close, and the question under discussion shall thereupon be immediately put to a vote. On a motion for the previous question prior to a vote being taken by the Senate, a call of the Senate shall be in order. (*Senate Rule No. 50. Assembly Rule No. 51.*)

51

**SEC. 321.****ORDER IN SPEAKING TO QUESTIONS.**

Every member, when he speaks, shall, standing in his place, address "Mr. Speaker," and when he has finished he shall sit down. No member shall speak more than twice during the consideration of any one question, of whatever nature, on the same day and at the same stage of proceedings, without leave being granted, except the author of a bill or resolution, or mover of a question, who shall have the right to close the debate. No member shall be allowed to speak more than fifteen minutes upon any question except by leave of the house, and except further, the author shall be allowed fifteen minutes to open and fifteen minutes to close. (*Assembly Rule No. 50.*)

**SEC. 322.****SPEAKER TO DECIDE WHO IS ENTITLED TO THE PLACE.**

When two or more members shall rise at once, the presiding officer shall name the member who is first to speak. (*Assembly Rule No. 51. Senate Rule No. 45.*)

46

**SEC. 323.****CALLING MEMBERS TO ORDER WHEN TRANSGRESSING RULES.**

If any member, in speaking or otherwise, transgresses the rules of the house, the Speaker shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the Chair, the member shall not be allowed to proceed; but if it be not sustained, then he shall be permitted to go on. Every such decision from the Chair shall be subject to an appeal to the house, but no discussion of a question of order shall be allowed, unless an appeal be taken from the decision of the Chair. (*Assembly Rule No. 52.*)

**SEC. 324.****CALLING TO ORDER FOR OFFENSIVE WORDS IN DEBATE.**

If any member be called to order for offensive words spoken in debate, the person calling him to order shall report the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to censure of the house, for language used in debate, if any member has spoken or other business has intervened after the words spoken and before exception to them shall have been taken. (*Assembly Rule No. 53.*)

**SEC. 325.****PREVIOUS QUESTION DEMANDED.**

The previous question shall be put only when demanded by three members. (*Assembly Rule No. 54.*)

**SEC. 326.****PREVIOUS QUESTION.**

The previous question shall be in this form: "Shall the main question be now put?" And its effect, when sustained by a majority of

the members present, shall be to put an end to all debate and bring the house to a vote on the question or questions before it. (*Assembly Rule No. 55.*)

**SEC. 327.**

**QUESTIONS OF ORDER AFTER PREVIOUS QUESTION IS ORDERED.**

All incidental questions of order arising after a motion is made for the previous question, and pending such motion or previous question, shall be decided (whether on appeal or otherwise) without debate; provided, that after the previous question shall have been ordered, ten minutes shall be allowed for explanation of the matters covered by the previous question, of which five minutes shall be given to the member moving the previous question and five minutes to those opposed thereto. (*Assembly Rule No. 56.*)

**SEC. 328.**

**PRECEDENCE OF MOTIONS DURING DEBATE.**

When a question is under debate, or before the house, no motion shall be received but: To adjourn; to lay on the table; for the previous question; to postpone to a day certain; to commit or amend; to postpone indefinitely; which several motions shall have precedence in the order in which they are named, but the first three shall be decided without debate; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings. A motion to strike out the enacting clause of a bill shall have preference over a motion to amend, and, if carried, shall be considered equivalent to its rejection. A dilatory motion shall not be considered intervening business within the meaning of parliamentary usage. (*Assembly Rule No. 44.*)

**SEC. 329.**

**DEBATE NOT ALLOWABLE—WHEN.**

When the reading of a paper is called for, except petitions, and the same is objected to by a member, such reading shall be determined by a vote of the House, without debate, upon a brief statement of its substance by the Speaker. (*Assembly Rule No. 67. Senate Rule No. 49.*)

All questions relating to the priority of business shall be decided without debate. (*Assembly Rule No. 4.*)

**SEC. 330.**

**PERSONAL EXPLANATION.**

Any member may rise to explain a matter personal to himself, with leave of the Chair, but shall not discuss a question in such explanation. (*Assembly Rule No. 79.*)

**PART III. VOTING.**

**SEC. 331.**

**VOTING ON BILLS, ETC.**

No law shall be passed except by bill. Nor shall any bill be put upon its final passage until the same, with the amendments thereto, shall have been printed for the use of the members; nor shall any bill become a law unless the same be read on three several days in each house, unless, in

case of urgency, two-thirds of the house where such bill may be pending, shall, by a vote of yeas and nays, dispense with this provision. Any bill may originate in either house, but may be amended or rejected by the other; and on the final passage of all bills they shall be read at length, and the vote shall be by yeas and nays upon each bill separately, and shall be entered on the journal, and no bill shall become a law without the concurrence of a majority of the members elected to each house. (*Constitution, art. IV., sec. 15.*)

**SEC. 332.****NECESSARY VOTES ON SENATE ACTIONS.**

1. A majority of the members elected (twenty-one votes) to pass all bills (except No. 2).
2. Two-thirds of the members elected (twenty-seven votes) to pass a bill increasing number of Superior Judges.
3. Two-thirds of the members elected (twenty-seven votes) to suspend the Constitution in case of urgency.
4. Two-thirds of the members elected (twenty-seven votes) to pass constitutional amendment.
5. Two-thirds of the members elected (twenty-seven votes) to pass urgency clause and urgency bills for preservation of public peace, health or safety.
6. A majority vote of those voting to amend a constitutional amendment.
7. A majority of the members elected (twenty-one votes) to pass concurrent resolution ratifying a city charter or amendment thereto.
8. Two-thirds of the members elected (twenty-seven votes) to pass a bill over Governor's veto.
9. Three-fifths of the members elected (twenty-four votes) to increase the number of attaches and employees.
10. A majority vote of those voting to pass all other resolutions.
11. Twenty-one votes to reconsider a bill, joint or concurrent resolution. Twenty-seven votes to reconsider a constitutional amendment.

**SEC. 333.****NECESSARY VOTES ON ASSEMBLY ACTIONS.**

1. Attaches and employees, to appoint other than statutory, three-fifths of the members elected. Political Code, Section 246 (forty-eight votes).
2. Bills, increasing Superior Judges, two-thirds of the members elected (fifty-four votes).
3. Bills, to introduce after constitutional recess, sixty votes.
4. Bills, to pass, a majority of the members elected [forty-one votes (except to increase Superior Judges)].
5. Bills, to substitute, majority vote.
6. City charter, to amend, a majority of the members elected (forty-one votes.)
7. Constitutional amendments, to amend, majority vote.
8. Constitutional amendments, to pass, two-thirds of the members elected (fifty-four votes.)
- 8½. General file, two-thirds of the members elected (fifty-four votes)

or unanimous consent of members present necessary to change the order of business on file.

9. Governor's veto, to pass a bill over, two-thirds of the members elected (fifty-four votes).

10. Previous question, majority vote, and not debatable.

11. Reconsideration on bills and resolutions, a majority of the members elected (forty-one votes), two-thirds of the members elected (fifty-four votes) on constitutional amendments.

12. Resolutions other than above, majority vote.

13. Standing rule, may be temporarily suspended by two-thirds of the members elected (fifty-four votes).

14. Suspend Constitution, case of urgency, two-thirds of the members elected (fifty-four votes).

15. To re-refer a bill from one committee to another, unanimous consent, or majority vote.

16. Urgency clause and urgency bills, for the preservation of public peace, health or safety, two-thirds of the members elected (fifty-four votes to pass).

17. Visiting institutions, or other expenses, two-thirds of the members elected (fifty-four votes).

**SEC. 333½.**

**LIEUTENANT GOVERNOR TO HAVE CASTING VOTE.**

The Lieutenant Governor \* \* \* shall be President of the Senate, but shall only have a casting vote therein. (*Constitution, art. V, sec. 15.*)

**SEC. 334.**

**ELECTIONS BY LEGISLATURE TO BE VIVA VOCE.**

In all elections by the Legislature the members thereof shall vote *viva voce*, and the votes shall be entered in the Journal. (*Constitution, art. IV, sec. 28.*)

**SEC. 335.**

**AYES AND NOES—MEMBERS MUST ANSWER—NO VOTE AFTER ANNOUNCEMENT OF VOTE.**

When the ayes and noes shall be called for by three members present — every member within the bar of the Senate at the time the question was put shall declare openly, and without debate, assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of the rule, no Senator shall be permitted, under any circumstances whatever, to vote after the announcement of the vote by the presiding officer. (Senate Rule No. 51.)

**SEC. 336.****EXCUSE FROM VOTING.**

When a Senator declines to vote on a call of his name he shall be required to assign his reasons therefor, and having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate. And these proceedings shall be had after the roll call and before the result is announced, and any further proceedings in reference thereto shall be after such announcement. (*Senate Rule No. 52.*)

**SEC. 337.****ELECTION BY HOUSE.**

In all cases of election by the House, the vote shall be taken *viva voce*. (*Assembly Rule No. 62.*)

**SEC. 338.****CALLING AYES AND NOES.**

The ayes and noes shall be taken on the final passage of all bills, and when called for by three members on other questions, and every member within the bar of the House, when his name is called, shall (unless for special reasons he be excused) declare openly, and without debate, his vote. In taking the ayes and noes, and upon call of the house, the names of the members shall be taken alphabetically, and the Clerk shall enter on the Journal the names of those demanding the ayes and noes. (*Assembly Rule No. 57.*)

**SEC. 339.****MEMBERS AT CLERK'S DESK.**

No member or other person shall remain by the Clerk's table while the ayes and noes are being called, or while the votes are being counted. (*Assembly Rule No. 58.*)

**SEC. 340.****VOTING ON QUESTION WHEN INTERESTED.**

No person shall vote on any question in the result of which he is personally interested or involved. (*Assembly Rule No. 59.*)

**SEC. 341.****DIVISION AND COUNT OF HOUSE.**

Upon a division and count of the house on any question, no person without the bar shall be counted. (*Assembly Rule No. 60.*)

**SEC. 342.****EXPLAINING OR CHANGING VOTE.**

No member shall be allowed to explain his vote or discuss the question while the ayes or noes are being called, and no member shall be allowed to change his vote after the vote is announced by the chair. (*Assembly Rule No. 61.*)

**SEC. 343.****CALL OF THE HOUSE.**

Upon a call of the house the names of the members shall be called over by the Clerk, and the absentees noted, after which the names of the absentees shall again be called over. The door shall then be shut, and those for whom no excuse or insufficient excuses are made, may, by order of those present, be taken into custody, as they appear, or may be sent for and taken into custody by the Sergeant-at-Arms wherever found, or by special messenger to be appointed for that purpose. In the absence of a quorum, a majority of the members present may order a call of the house and compel the attendance of absentees in the manner above provided. No recess can be taken during a call of the house. (*Assembly Rule No. 81.*)

**SEC. 344.**

(Form.)

**ROLL CALL ORDERED.**

After a *viva voce* vote was had the Chair expressed doubt as to the result and directed the Secretary<sup>1</sup> to call the roll.<sup>2</sup>

The roll was called,<sup>3</sup> and the motion was declared carried<sup>4</sup> by the following vote:

(ROLL CALL.)

**EXPLANATORY NOTE.**<sup>1</sup>Or Chief Clerk.<sup>2</sup>And ordered a standing vote.<sup>3</sup>Or count taken.<sup>4</sup>Or lost.**SEC. 345.**

(Form.)

**AYES AND NOES DEMANDED.**

After a *viva voce* vote was had the Chair announced that the motion appeared to have been carried, whereupon the ayes and noes were demanded by Senators<sup>1</sup> ..... and .....

Thereupon the Secretary<sup>2</sup> was directed to call the roll.

The roll was called, and the motion carried<sup>3</sup> by the following vote:

(ROLL CALL.)

Also:

The question being on the adoption of the report of Special Committee of One.

**AYES AND NOES DEMANDED.**

A roll call was demanded by Senators ..... and .....

Thereupon the Secretary was directed to call the roll.

The roll was called, and the report of Special Committee of One refused adoption<sup>4</sup> by the following vote:

**EXPLANATORY NOTE.**<sup>1</sup>Or Messrs.<sup>2</sup>Or Chief Clerk.<sup>3</sup>Or lost.<sup>4</sup>Or adopted.

**SEC. 346.**

(Form.)

**DIVISION OF THE QUESTION.**

Senator<sup>1</sup> ..... moved that the question be divided.  
Motion carried.

Question being on the part of resolution pertaining to<sup>2</sup> .....  
Resolution adopted.

Question being on the part of resolution pertaining to<sup>3</sup> .....  
The roll was called, and the resolution adopted by the following vote:

**EXPLANATORY NOTE.**

<sup>1</sup>Or Mr.

<sup>2</sup>Portion not appropriating money.

<sup>3</sup>Portion of question appropriating money.

**SEC. 347.**

(Form.)

**EXPLANATION OF VOTE.**

Senator<sup>1</sup> ..... asked for, and was granted, unanimous  
consent to have the following explanation of his vote on .....  
Bill No. ..... printed in the Journal.

**EXPLANATORY NOTE.**

<sup>1</sup>Or Mr.

**SEC. 348.**

(Form.)

**EXCUSED FROM VOTING.**

Senator<sup>1</sup> ..... asked for, and was granted, unanimous  
consent to be excused, for reason stated, from voting on .....  
Bill No. .....

**EXPLANATORY NOTE.**

<sup>1</sup>Or Mr.

## CHAPTER VIII.

### ELECTIONS, RESIGNATIONS AND IMPEACHMENTS.

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- Sec. 351. Embezzler of public funds ineligible to office. (Constitution.)
- Sec. 352. Election of members of Assembly. (Constitution.)
- Sec. 353. Election of Assemblymen. (Political Code.)
- Sec. 354. Term of Senators—Qualifications of members of Legislature. (Constitution.)
- Sec. 355. Election of Senators. (Political Code.)
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- Sec. 357. Senatorial and Assembly districts. (Constitution.)
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##### PART III. RESIGNATIONS.

- Sec. 384. Resignations, to whom made. (Political Code.)
- Sec. 385. Vacancies, how they occur. (Political Code.)
- Sec. 386. Notice of removal, by and to whom given. (Political Code.)

**SEC. 312.**(Form.)  
**RESOLUTION.**

The following resolution was offered:

By Senator<sup>1</sup>.....:

*Resolved*, etc.

Resolution read and on motion, of Senator<sup>1</sup> ....., adopted.  
**EXPLANATORY NOTE.**

<sup>1</sup>Or Mr.

**SEC. 312½.**(Form.)  
**RESOLUTION—(OUT OF ORDER).**

By consent of the Senate the following resolution was offered, out of the regular order:

**SEC. 313.**(Form.)  
**MOTION WITHDRAWN.**

Senator<sup>1</sup> ..... withdrew his motion to recall .....  
Bill No. ..... from the Committee on .....

**EXPLANATORY NOTE.**

<sup>1</sup>Or Mr.

**PART II. DEBATES.****SEC. 314.****DECORUM AND DEBATE.**

1. When a Senator desires to address the Senate he shall rise in his place, address the President, and when recognized he shall proceed to speak.

2. No Senator shall speak more than twice in any one debate on the same day, and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) so long as any Senator who has not spoken desires to speak.

3. No Senator shall be interrupted when speaking, and no question shall be asked him except those through the presiding officer.

4. The author of a bill, motion, or resolution shall have the privilege of closing the debate. (*Senate Rule No. 44. Assembly Rules Nos. 79 and 50.*)

45

**SEC. 315.****SENATOR ENTITLED TO FLOOR.**

When two or more members arise at the same time to address the House, the presiding officer shall designate the member who is entitled to the floor. (*Senate Rule No. 45. Assembly Rule No. 51.*)

46

**SEC. 316.****SENATOR, WHEN CALLED TO ORDER, MUST SIT DOWN.**

When a member shall be called to order he shall sit down until the presiding officer shall have determined whether he is in order or not; and every question of order shall be decided by the presiding officer, subject to an appeal to the house by any member.

If a member be called to order for words spoken, the objectionable language shall immediately be taken down in writing by the Secretary or Chief Clerk. (*Senate Rule No. 46. Assembly Rules Nos. 6, 52, 53.*)

47

**SEC. 317.****PRECEDENCE OF QUESTIONS IN DEBATE.**

When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

Provided, however, that during a call of the Senate, it may consider and transact any matter or business that the Senators then present shall unanimously decide to consider, but no call of the Senate shall be had, during a call of the Senate, on any matter so taken up or considered while the Senate is under call. (*Senate Rule No. 47. Assembly Rule No. 40.*)

**SEC. 318.****MOTION NOT TO BE DEBATED UNTIL SECONDED AND ANNOUNCED.**

No motion shall be debated until the same be seconded and distinctly announced by the presiding officer; and it shall be reduced to writing if desired by the presiding officer or any member, and read by the Secretary or Chief Clerk, before the same shall be debated. (*Senate Rule No. 48. Assembly Rule No. 49.*)

44

**SEC. 319.****READING OF A PAPER, IF OBJECTED TO, DETERMINED WITHOUT DEBATE.**

When the reading of a paper (except a petition) is called for, and the same is objected to by any member, the question shall be determined by a vote of the House, without debate, upon a brief statement of its substance by the presiding officer. (*Senate Rule No. 49. Assembly Rule No. 67.*)

61

**SEC. 320.****FORM OF PREVIOUS QUESTION—CALL OF SENATE.**

The previous question shall be put in the following form: "Shall the question be now put?" It shall only be admitted when demanded by a majority of the Senators present upon division; and its effect shall be to put an end to all debate except that the author of the bill or the amendments shall have the right to close, and the question under discussion shall thereupon be immediately put to a vote. On a motion for the previous question prior to a vote being taken by the Senate, a call of the Senate shall be in order. (*Senate Rule No. 50. Assembly Rule No. 48.*)

48

**SEC. 355.****ELECTION OF SENATORS.**

**At the general election in the year nineteen hundred and eight, and every four years thereafter, a Senator shall be elected in each odd-numbered senatorial district constituted in section seventy-eight of this code. At the general election in the year nineteen hundred and ten, and every four years thereafter, a Senator shall be elected in each even-numbered district constituted in section seventy-eight of this code. (Political Code, sec. 227.)**

**SEC. 356.****NUMBER OF SENATORS AND ASSEMBLYMEN.**

The Senate shall consist of forty members, and the Assembly of eighty members, to be elected by districts, numbered as hereinafter provided. The seats of the twenty Senators elected in the year eighteen hundred and eighty-two from the odd-numbered districts shall be vacated at the expiration of the second year, so that one-half of the Senators shall be elected every two years; *provided*, that all the Senators elected at the first election under this Constitution shall hold office for the term of three years. (*Constitution, art. IV, sec. 5.*)

**SEC. 357.****SENATORIAL AND ASSEMBLY DISTRICTS.**

For the purpose of choosing members of the Legislature, the State shall be divided into forty senatorial and eighty assembly districts, as nearly equal in population as may be, and composed of contiguous territory, to be called senatorial and assembly districts. Each senatorial district shall choose one Senator, and each assembly district shall choose one member of Assembly. The senatorial districts shall be numbered from one to forty, inclusive, in numerical order, and the assembly districts shall be numbered from one to eighty in the same order, commencing at the northern boundary of the State and ending at the southern boundary thereof. In the formation of such districts, no county, or city and county, shall be divided, unless it contains sufficient population within itself to form two or more districts, nor shall a part of any county, or of any city and county, be united with any other county, or city and county, in forming any district. The census taken under the direction of the Congress of the United States in the year one thousand eight hundred and eighty, and every ten years thereafter, shall be the basis of fixing and adjusting the legislative districts; and the Legislature shall, at its first session after each census, adjust such districts and reapportion the representation so as to preserve them as near equal in population as may be. But in making such adjustment no persons who are not eligible to become citizens of the United States, under the naturalization laws, shall be counted as forming a part of the population of any district. Until such districting as herein provided for shall be made, Senators and Assemblymen shall be elected by the districts according to the apportionment now provided for by law. (*Constitution, art. IV, sec. 6.*)

**SEC. 358.****TRANSMISSION AND PUBLICATION OF ELECTION RETURNS.**

The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in the presence of both houses of the Legislature. The person having the highest number of votes shall be Governor; but if case any two or more have an equal and the highest number of votes the Legislature shall, by joint votes of both houses, choose one of such persons so having an equal and the highest number of votes for Governor. (*Constitution, art. V, sec. 4.*)

**SEC. 359.****CHANGE OF PRECINCT BOUNDARIES.**

Neither boards of supervisors, municipal officers, nor any other officer or officers, shall have the power to alter the boundaries of any township, ward, election precinct, or other local subdivision, of any county, city and county, city, or town, so as to change the boundaries of any senatorial or assembly district as constituted and defined in chapter II of title I of part II of this code. (*Political Code, sec. 229.*)

**SEC. 360.****FURNISHING MONEY FOR ELECTIONS EXCEPT FOR SPECIFIC PURPOSES**

Every person who, with intent to promote the election of himself any other person, either—

1. Furnishes entertainment at his expense to any meeting of electors previous to or during an election;
2. Pays for, procures, or engages to pay for any such entertainment;
3. Furnishes or engages to pay or deliver any money or property for the purpose of procuring the attendance of voters at the polls, or for the purpose of compensating any person for procuring attendance of voters at the polls, except for the conveyance of voters who are sick or infirm;
4. Furnishes or engages to pay or deliver any money or property for any purpose intended to promote the election of any candidate, except for the expenses of holding and conducting public meetings for the discussion of public questions and of printing and circulating ballots, handbills, and other papers previous to such election, is guilty of a misdemeanor. (*Penal Code, sec. 54.*)

**SEC. 361.****UNLAWFUL OFFERS TO PROCURE OFFICES FOR ELECTORS.**

Every person who, being a candidate at any election, offers or agrees to appoint or procure the appointment of any particular person to office as an inducement or consideration to any person to vote for, or procure or aid in procuring the election of such candidate, is guilty of a misdemeanor. (*Penal Code, sec. 55.*)

**SEC. 362.****SOLICITING OR DEMANDING THAT A CANDIDATE VOTE FOR OR AGAINST ANY MEASURE OR BILL.**

Any person, either individually or as an officer or member of any committee or association, who solicits or demands of any candidate for the Legislature, supervisor, school director, or for any legislative body, that he shall vote for or against any particular bill or measure which may come before such body to which he may be elected, and any candidate for any of such offices who signs or gives any pledge that he will vote for or against any particular bill or measure that may be brought before such body, is guilty of a misdemeanor; and any candidate convicted under the provisions of this section is, in addition, disqualified from holding the office to which he may have been elected. The provisions of this section do not apply to any pledge or promise that any such candidate may give to a convention by which he may be nominated for any such office, or to those who sign a certificate for his nomination. (*Penal Code, sec. 55a.*)

**SEC. 363.****COMMUNICATING SUCH OFFER.**

Every person, not being a candidate, who communicates any offer, made in violation of the last section, to any person, with intent to induce him to vote for or procure or aid in procuring the election of the candidate making the offer, is guilty of a misdemeanor. (*Penal Code, sec. 56.*)

**SEC. 364.****Bribing or Offering to Bribe Members of Legislative Caucuses, etc.**

Every person who gives or offers a bribe to any officer or member of any legislative caucus, political convention, committee, primary election, or political gathering of any kind, held for the purpose of nominating candidates for offices of honor, trust, or profit, in this State, with intent to influence the person to whom such bribe is given or offered to be more favorable to one candidate than another, and every person, member of either of the bodies of this section mentioned, who receives or offers to receive any such bribe, is punishable by imprisonment in the state prison not less than one nor more than seven years. (*Penal Code, sec. 57.*)

**PART II. CONTESTED ELECTIONS.****A. Of Members of the Legislature.****SEC. 365.****WHO MAY CONTEST.**

The right of any person declared elected to a seat in the Senate or Assembly may be contested by any qualified voter of the county or district to be represented by such Senator or Assemblyman. (*Political Code, sec. 273.*)

or unanimous consent of members present necessary to change the order of business on file.

9. Governor's veto, to pass a bill over, two-thirds of the members elected (fifty-four votes).

10. Previous question, majority vote, and not debatable.

11. Reconsideration on bills and resolutions, a majority of the members elected (forty-one votes), two-thirds of the members elected (fifty-four votes) on constitutional amendments.

12. Resolutions other than above, majority vote.

13. Standing rule, may be temporarily suspended by two-thirds of the members elected (fifty-four votes).

14. Suspend Constitution, case of urgency, two-thirds of the members elected (fifty-four votes).

15. To re-refer a bill from one committee to another, unanimous consent, or majority vote.

16. Urgency clause and urgency bills, for the preservation of public peace, health or safety, two-thirds of the members elected (fifty-four votes to pass).

17. Visiting institutions, or other expenses, two-thirds of the members elected (fifty-four votes).

**SEC. 333½.**

**LIEUTENANT GOVERNOR TO HAVE CASTING VOTE.**

The Lieutenant Governor \* \* \* shall be President of the Senate, but shall only have a casting vote therein. (*Constitution, art. V, sec. 15.*)

**SEC. 334.**

**ELECTIONS BY LEGISLATURE TO BE VIVA VOCE.**

In all elections by the Legislature the members thereof shall vote *viva voce*, and the votes shall be entered in the Journal. (*Constitution, art. IV, sec. 28.*)

**SEC. 335.**

**AYES AND NOES—MEMBERS MUST ANSWER—NO VOTE AFTER ANNOUNCEMENT OF VOTE.**

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put shall declare openly, and without debate, assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no Senator shall be permitted, under any circumstances whatever, to vote after the announcement of the vote by the presiding officer. (*Senate Rule No. 51.*)

**SEC. 336.****EXCUSE FROM VOTING.**

When a Senator declines to vote on a call of his name he shall be required to assign his reasons therefor, and having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate. And these proceedings shall be had after the roll call and before the result is announced, and any further proceedings in reference thereto shall be after such announcement. (*Senate Rule No. 52.*)

**SEC. 337.****ELECTION BY HOUSE.**

In all cases of election by the House, the vote shall be taken *viva voce*. (*Assembly Rule No. 62.*)

**SEC. 338.****CALLING AYES AND NOES.**

The ayes and noes shall be taken on the final passage of all bills, and when called for by three members on other questions, and every member within the bar of the House, when his name is called, shall (unless for special reasons he be excused) declare openly, and without debate, his vote. In taking the ayes and noes, and upon call of the house, the names of the members shall be taken alphabetically, and the Clerk shall enter on the Journal the names of those demanding the ayes and noes. (*Assembly Rule No. 57.*)

**SEC. 339.****MEMBERS AT CLERK'S DESK.**

No member or other person shall remain by the Clerk's table while the ayes and noes are being called, or while the votes are being counted. (*Assembly Rule No. 58.*)

**SEC. 340.****VOTING ON QUESTION WHEN INTERESTED.**

No person shall vote on any question in the result of which he is personally interested or involved. (*Assembly Rule No. 59.*)

**SEC. 341.****DIVISION AND COUNT OF HOUSE.**

Upon a division and count of the house on any question, no person without the bar shall be counted. (*Assembly Rule No. 60.*)

**SEC. 342.****EXPLAINING OR CHANGING VOTE.**

No member shall be allowed to explain his vote or discuss the question while the ayes or noes are being called, and no member shall be allowed to change his vote after the vote is announced by the chair. (*Assembly Rule No. 61.*)

**SEC. 343.****CALL OF THE HOUSE.**

Upon a call of the house the names of the members shall be called over by the Clerk, and the absentees noted, after which the names of the absentees shall again be called over. The door shall then be shut, and those for whom no excuse or insufficient excuses are made, may, by order of those present, be taken into custody, as they appear, or may be sent for and taken into custody by the Sergeant-at-Arms wherever found, or by special messenger to be appointed for that purpose. In the absence of a quorum, a majority of the members present may order a call of the house and compel the attendance of absentees in the manner above provided. No recess can be taken during a call of the house. (*Assembly Rule No. 81.*)

**SEC. 344.**

(Form.)

**ROLL CALL ORDERED.**

After a *viva voce* vote was had the Chair expressed doubt as to the result and directed the Secretary<sup>1</sup> to call the roll.<sup>2</sup>

The roll was called,<sup>3</sup> and the motion was declared carried<sup>4</sup> by the following vote:

(ROLL CALL.)

**EXPLANATORY NOTE.**<sup>1</sup>Or Chief Clerk.<sup>2</sup>And ordered a standing vote.<sup>3</sup>Or count taken.<sup>4</sup>Or lost.**SEC. 345.**

(Form.)

**AYES AND NOES DEMANDED.**

After a *viva voce* vote was had the Chair announced that the motion appeared to have been carried, whereupon the ayes and noes were demanded by Senators<sup>1</sup> ..... and .....

Thereupon the Secretary<sup>2</sup> was directed to call the roll.

The roll was called, and the motion carried<sup>3</sup> by the following vote:

(ROLL CALL.)

Also:

The question being on the adoption of the report of Special Committee of One.

**AYES AND NOES DEMANDED.**

A roll call was demanded by Senators ..... and .....

Thereupon the Secretary was directed to call the roll.

The roll was called, and the report of Special Committee of One refused adoption<sup>4</sup> by the following vote:

**EXPLANATORY NOTE.**<sup>1</sup>Or Messrs.<sup>2</sup>Or Chief Clerk.<sup>3</sup>Or lost.<sup>4</sup>Or adopted.

in the premises to both Houses of the Legislature, which report must be entered upon the Journals. (*Political Code, sec. 294.*)

**SEC. 383.****JUDGMENT OF COMMITTEE.**

The judgment of the committee thus reported is final and conclusive. (*Political Code, sec. 295.*)

**PART III. RESIGNATIONS.****SEC. 384.****RESIGNATIONS, TO WHOM MADE.**

Resignations must be in writing, and made as follows:

1. By the Governor and Lieutenant-Governor, to the Legislature, if it is in session; and if not, then to the Secretary of State;
2. By all officers commissioned by the Governor, to the Governor;
3. By Senators and members of the Assembly, to the presiding officers of their respective Houses, who must immediately transmit the same to the Governor;
4. By all county and township officers not commissioned by the Governor, to the Clerk of the Board of Supervisors of their respective counties;
5. By all other appointed officers, to the body or officer that appointed them;
6. In all cases not otherwise provided for, by filing the resignation in the office of the Secretary of State. (*Political Code, sec. 995.*)

**SEC. 385.****VACANCIES, HOW THEY OCCUR.**

An office becomes vacant on the happening of either of the following events before the expiration of the term:

1. The death of the incumbent;
2. His insanity, found upon a commission of lunacy issued to determine the fact;
3. His resignation;
4. His removal from office;
5. His ceasing to be an inhabitant of the State, or, if the office be local, of the district, county, city, or township for which he was chosen or appointed, or within which the duties of his office are required to be discharged;
6. His absence from the State without permission of the Legislature beyond the period allowed by law;
7. His ceasing to discharge the duties of his office for the period of three consecutive months, except when prevented by sickness, or when absent from the State by permission of the Legislature;
8. His conviction of a felony, or of any offense involving a violation of his official duties;
9. His refusal or neglect to file his official oath or bond within the time prescribed;
10. The decision of a competent tribunal declaring void his election or appointment. (*Political Code, sec. 996.*)

## CHAPTER VIII.

### ELECTIONS, RESIGNATIONS AND IMPEACHMENTS.

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#### PART I. ELECTIONS.

##### SEC. 349.

###### SENATORS AND ASSEMBLYMEN INELIGIBLE TO CERTAIN OFFICES.

No Senator or member of Assembly shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State which shall have been created, or the emoluments of which have been increased, during such term, except such offices as may be filled by election by the people. (*Constitution, art. IV, sec. 19.*)

**SEC. 350.****FEDERAL OFFICERS INELIGIBLE TO STATE OFFICE—EXCEPTIONS.**

No person holding any lucrative office under the United States, or any other power, shall be eligible to any civil office of profit under this State; *provided*, that officers in the militia who receive no annual salary, local officers, or postmasters whose compensation does not exceed five hundred dollars per annum, shall not be deemed to hold lucrative office. (*Constitution, art. IV, sec. 20.*)

**SEC. 351.****EMBEZZLER OF PUBLIC FUNDS INELIGIBLE TO OFFICE.**

No person convicted of the embezzlement or defalcation of the public funds of the United States, or of any state, or of any county or municipality, therein, shall ever be eligible to any office of honor, trust, or profit under this state, and the Legislature shall provide, by law, for the punishment of embezzlement or defalcation as a felony. (*Constitution, art. IV, sec. 21.*)

**SEC. 352.****ELECTION OF MEMBERS OF ASSEMBLY.**

Members of the Assembly shall be elected in the year eighteen hundred and seventy-nine, at the time and in the manner now provided by law. The second election of members of the Assembly, after the adoption of this Constitution, shall be on the first Tuesday after the first Monday in November, eighteen hundred and eighty. Thereafter members of the Assembly shall be chosen biennially, and their term of office shall be two years; and each election shall be on the first Tuesday after the first Monday in November, unless otherwise ordered by the Legislature. (*Constitution, art. IV, sec. 3.*)

**SEC. 353.****ELECTION OF ASSEMBLYMEN.**

At the general election in the year nineteen hundred and eight and every two years thereafter, a membr of the Assembly shall be elected in each of the Assembly districts constituted by section ninety of this code. (*Political Code, sec. 228.*)

**SEC. 354****TERM OF SENATORS—QUALIFICATIONS OF MEMBERS OF LEGISLATURE.**

Senators shall be chosen for the term of four years, at the same time and places as members of the Assembly, and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State three years, and of the district for which he shall be chosen one year, next before his election. (*Constitution, art. IV, sec. 4.*)

**SEC. 355.****ELECTION OF SENATORS.**

At the general election in the year nineteen hundred and eight, and every four years thereafter, a Senator shall be elected in each odd-numbered senatorial district constituted in section seventy-eight of this code. At the general election in the year nineteen hundred and ten, and every four years thereafter, a Senator shall be elected in each even-numbered district constituted in section seventy-eight of this code. (*Political Code, sec. 227.*)

**SEC. 356.****NUMBER OF SENATORS AND ASSEMBLYMEN.**

The Senate shall consist of forty members, and the Assembly of eighty members, to be elected by districts, numbered as hereinafter provided. The seats of the twenty Senators elected in the year eighteen hundred and eighty-two from the odd-numbered districts shall be vacated at the expiration of the second year, so that one-half of the Senators shall be elected every two years; *provided*, that all the Senators elected at the first election under this Constitution shall hold office for the term of three years. (*Constitution, art. IV, sec. 5.*)

**SEC. 357.****SENATORIAL AND ASSEMBLY DISTRICTS.**

For the purpose of choosing members of the Legislature, the State shall be divided into forty senatorial and eighty assembly districts, as nearly equal in population as may be, and composed of contiguous territory, to be called senatorial and assembly districts. Each senatorial district shall choose one Senator, and each assembly district shall choose one member of Assembly. The senatorial districts shall be numbered from one to forty, inclusive, in numerical order, and the assembly districts shall be numbered from one to eighty in the same order, commencing at the northern boundary of the State and ending at the southern boundary thereof. In the formation of such districts, no county, or city and county, shall be divided, unless it contains sufficient population within itself to form two or more districts, nor shall a part of any county, or of any city and county, be united with any other county, or city and county, in forming any district. The census taken under the direction of the Congress of the United States in the year one thousand eight hundred and eighty, and every ten years thereafter, shall be the basis of fixing and adjusting the legislative districts; and the Legislature shall, at its first session after each census, adjust such districts and reapportion the representation so as to preserve them as near equal in population as may be. But in making such adjustment no persons who are not eligible to become citizens of the United States, under the naturalization laws, shall be counted as forming a part of the population of any district. Until such districting as herein provided for shall be made, Senators and Assemblymen shall be elected by the districts according to the apportionment now provided for by law. (*Constitution, art. IV, sec. 6.*)

**SEC. 358.****TRANSMISSION AND PUBLICATION OF ELECTION RETURNS.**

The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in the presence of both houses of the Legislature. The person having the highest number of votes shall be Governor; but in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint votes of both houses, choose one of such persons so having an equal and the highest number of votes for Governor. (*Constitution, art. V, sec. 4.*)

**SEC. 359.****CHANGE OF PRECINCT BOUNDARIES.**

Neither boards of supervisors, municipal officers, nor any other officer or officers, shall have the power to alter the boundaries of any township, ward, election precinct, or other local subdivision, of any county, city and county, city, or town, so as to change the boundaries of any senatorial or assembly district as constituted and defined in chapter II of title I of part II of this code. (*Political Code, sec. 229.*)

**SEC. 360.****FURNISHING MONEY FOR ELECTIONS EXCEPT FOR SPECIFIC PURPOSES.**

Every person who, with intent to promote the election of himself or any other person, either—

1. Furnishes entertainment at his expense to any meeting of electors previous to or during an election;
2. Pays for, procures, or engages to pay for any such entertainment;
3. Furnishes or engages to pay or deliver any money or property for the purpose of procuring the attendance of voters at the polls, or for the purpose of compensating any person for procuring attendance of voters at the polls, except for the conveyance of voters who are sick or infirm;
4. Furnishes or engages to pay or deliver any money or property for any purpose intended to promote the election of any candidate, except for the expenses of holding and conducting public meetings for the discussion of public questions and of printing and circulating ballots, handbills, and other papers previous to such election, is guilty of a misdemeanor. (*Penal Code, sec. 54.*)

**SEC. 361.****UNLAWFUL OFFERS TO PROCURE OFFICES FOR ELECTORS.**

Every person who, being a candidate at any election, offers or agrees to appoint or procure the appointment of any particular person to office, as an inducement or consideration to any person to vote for, or procure or aid in procuring the election of such candidate, is guilty of a misdemeanor. (*Penal Code, sec. 55.*)

**SEC. 362.****SOLICITING OR DEMANDING THAT A CANDIDATE VOTE FOR OR AGAINST ANY MEASURE OR BILL.**

Any person, either individually or as an officer or member of any committee or association, who solicits or demands of any candidate for the Legislature, supervisor, school director, or for any legislative body, that he shall vote for or against any particular bill or measure which may come before such body to which he may be elected, and any candidate for any of such offices who signs or gives any pledge that he will vote for or against any particular bill or measure that may be brought before such body, is guilty of a misdemeanor; and any candidate convicted under the provisions of this section is, in addition, disqualified from holding the office to which he may have been elected. The provisions of this section do not apply to any pledge or promise that any such candidate may give to a convention by which he may be nominated for any such office, or to those who sign a certificate for his nomination. (*Penal Code, sec. 55a.*)

**SEC. 363.****COMMUNICATING SUCH OFFER.**

Every person, not being a candidate, who communicates any offer, made in violation of the last section, to any person, with intent to induce him to vote for or procure or aid in procuring the election of the candidate making the offer, is guilty of a misdemeanor. (*Penal Code, sec. 56.*)

**SEC. 364.****BRIBING OR OFFERING TO BRIBE MEMBERS OF LEGISLATIVE CAUCUSES, ETC.**

Every person who gives or offers a bribe to any officer or member of any legislative caucus, political convention, committee, primary election, or political gathering of any kind, held for the purpose of nominating candidates for offices of honor, trust, or profit, in this State, with intent to influence the person to whom such bribe is given or offered to be more favorable to one candidate than another, and every person, member of either of the bodies of this section mentioned, who receives or offers to receive any such bribe, is punishable by imprisonment in the state prison not less than one nor more than seven years. (*Penal Code, sec. 57.*)

**PART II. CONTESTED ELECTIONS.****A. Of Members of the Legislature.****SEC. 365.****WHO MAY CONTEST.**

The right of any person declared elected to a seat in the Senate or Assembly may be contested by any qualified voter of the county or district to be represented by such Senator or Assemblyman. (*Political Code, sec. 273.*)

**SEC. 366.****STATEMENT OF CAUSE OF CONTESTING ELECTION.**

The person contesting such election must, within twenty days after the certificate of election is issued, file with the clerk of the county, or one of the counties in which the alleged cause of contest originated, a statement of the grounds of contest, verified by his oath. (*Political Code, sec. 274.*)

**SEC. 367.****COMMISSION TO TAKE TESTIMONY.**

On the filing of such statement the clerk must issue a commission, directed to two justices of the peace of his county, to meet at a time and place specified in the commission, not less than twenty nor more than thirty days from the date thereof, for the purpose of taking the depositions of such witnesses as the parties to the contest may wish to examine. (*Political Code, sec. 275.*)

**SEC. 368.****NOTICE TO PERSON INTERESTED, BY WHOM SERVED.**

Written notice of such contest, specifying the time and place of taking depositions, and a copy of the statement, certified by the Clerk, must be delivered to the person whose election is contested, or if he can not be found, left at the house where he last resided, by the sheriff of the county in which such person claims his residence, within ten days after such statement is filed. (*Political Code, sec. 276.*)

**SEC. 369.****COMPELLING ATTENDANCE OF WITNESSES.**

Either of the justices of the peace have power to issue subpoenas for witnesses, at the request of either party, to be served by the sheriff as other subpoenas; and such justices, when met at the time and place appointed to take such depositions, have the same power to issue attachments and assess fines against witnesses as is given to justices of the peace in the trials of civil actions. (*Political Code, sec. 277.*)

**SEC. 370.****TESTIMONY, HOW TAKEN.**

The justices must meet at the time and place appointed, and take the depositions of witnesses produced by the parties, and may continue the examination from day to day, if necessary. When the examination is closed, they must seal up the depositions taken before them, together with the commission, and transmit the same by mail or express to the clerk with whom the statement was filed. (*Political Code, sec. 278.*)

**SEC. 371.****VACANCY IN COMMISSION, HOW FILLED.**

If at any time either of the justices is unable to proceed in such examination the clerk may supply the vacancy by designating any other justice of the peace of the county. (*Political Code, sec. 279.*)

**SEC. 372.****FEES OF OFFICERS.**

Officers performing services in a contested election case may charge and collect from the party at whose instance such services were performed the same fees as are allowed them for similar services in civil cases. (*Political Code*, sec. 280.)

**SEC. 373.****TESTIMONY TO BE TRANSMITTED TO SECRETARY OF STATE.  
DUTIES OF SECRETARY.**

The clerk must seal up the depositions, the original statement, the copy of the notice served upon the party whose right is contested, and the commission issued to the justices of the peace, and transmit the same by mail to the Secretary of State, indorsing thereon the names of the contesting parties and the branch of the Legislature before which such contest is to be tried. The Secretary of State must deliver the same, unopened, to the presiding officer of the House in which such contest is to be tried, on or before the second day of the session of the Legislature next after taking such depositions, and such presiding officer must immediately give notice to the House that such papers are in his possession. (*Political Code*, sec. 281.)

**SEC. 374.****DEPOSITIONS IN ELECTION CONTESTS.**

At any time after notice of contest has been given, and before the trial thereof before the proper branch of the Legislature, either party may take depositions, to be read on the trial, in like manner and under the same rules as are allowed and required in the cases of depositions to be read on the trial of civil actions; and such depositions, when taken, must be sealed up by the officer taking the same, and directed to the Secretary of State, who must keep the same, unopened, and deliver them to the presiding officer of the House in which the contest is to be tried. (*Political Code*, sec. 282.)

**SEC. 375.****FURTHER EVIDENCE MAY BE TAKEN.**

The House before which the contest is pending may take such other evidence in the case as it deems material. (*Political Code*, sec. 283.)

**SEC. 376.****B. Of Governor or Lieutenant Governor.****WHO MAY CONTEST.**

Any elector of the State may contest the election of any person declared elected Governor or Lieutenant-Governor of the State of California. (*Political Code*, sec. 288.)

**SEC. 377.****GROUNDS OF CONTEST TO BE STATED IN PETITION.**

Such elector may, within twenty days after the declaration of the result of the election, deliver to the presiding officer of each House of the Legislature a verified specification of the grounds of contest. (*Political Code*, sec. 289.)

**SEC. 378.****NOTICE TO RESPONDENT.**

As soon as the presiding officers have received the specifications they must make out a notice, in writing, directed to the person whose election is contested, and deliver the same to a sergeant-at-arms, who must serve such notice at once on the person therein named. (*Political Code*, sec. 290.)

**SEC. 379.****NOTICE TO THE HOUSES.**

The presiding officers must also immediately give notice to their respective houses that such specifications have been received. (*Political Code*, sec. 291.)

**SEC. 380.****TRIAL COMMITTEE, HOW CHOSEN.**

Each House must at once choose seven members of its own body, in the following manner:

1. The names of the members, except the Speaker of the Assembly, written on similar paper tickets, must be placed in a box;
2. The Secretary of the Senate, in the presence of the Senate, and the Clerk of the Assembly, in the presence of the House, must draw from their respective boxes the names of seven members of each. (*Political Code*, sec. 292.)

**SEC. 381.****NOTICE OF CHOICE.**

As soon as the names are drawn, notice of the names of members drawn in one House must be given to the other, and the names of the fourteen members drawn must be entered on the Journals of each House. (*Political Code*, sec. 293.)

**SEC. 382.****POWERS OF COMMITTEE.**

The members thus selected constitute a committee to try such contested election, and for that purpose must hold their meetings publicly at the seat of government at such time and place as they may designate, and may adjourn from day to day or to a day certain, until such trial is determined. They have power to send for persons and papers, and to take all necessary means to procure testimony, extending like privileges to each party to the contest. They must report their judgment.

in the premises to both Houses of the Legislature, which report must be entered upon the Journals. (*Political Code*, sec. 294.)

**SEC. 383.****JUDGMENT OF COMMITTEE.**

The judgment of the committee thus reported is final and conclusive. (*Political Code*, sec. 295.)

**PART III. RESIGNATIONS.****SEC. 384.****RESIGNATIONS, TO WHOM MADE.**

Resignations must be in writing, and made as follows:

1. By the Governor and Lieutenant-Governor, to the Legislature, if it is in session; and if not, then to the Secretary of State;
2. By all officers commissioned by the Governor, to the Governor;
3. By Senators and members of the Assembly, to the presiding officers of their respective Houses, who must immediately transmit the same to the Governor;
4. By all county and township officers not commissioned by the Governor, to the Clerk of the Board of Supervisors of their respective counties;
5. By all other appointed officers, to the body or officer that appointed them;
6. In all cases not otherwise provided for, by filing the resignation in the office of the Secretary of State. (*Political Code*, sec. 995.)

**SEC. 385.****VACANCIES, HOW THEY OCCUR.**

An office becomes vacant on the happening of either of the following events before the expiration of the term:

1. The death of the incumbent;
2. His insanity, found upon a commission of lunacy issued to determine the fact;
3. His resignation;
4. His removal from office;
5. His ceasing to be an inhabitant of the State, or, if the office be local, of the district, county, city, or township for which he was chosen or appointed, or within which the duties of his office are required to be discharged;
6. His absence from the State without permission of the Legislature beyond the period allowed by law;
7. His ceasing to discharge the duties of his office for the period of three consecutive months, except when prevented by sickness, or when absent from the State by permission of the Legislature;
8. His conviction of a felony, or of any offense involving a violation of his official duties;
9. His refusal or neglect to file his official oath or bond within the time prescribed;
10. The decision of a competent tribunal declaring void his election or appointment. (*Political Code*, sec. 996.)

**SEC. 386.****NOTICE OF REMOVAL, BY AND TO WHOM GIVEN.**

Whenever an officer is removed, declared insane, or convicted of ~~a~~ felony or offense involving a violation of his official duty, or whenever ~~the~~ his election or appointment is declared void, the body, judge, or officer ~~shall~~ before whom the proceedings were had must give notice thereof to the ~~the~~ officer empowered to fill the vacancy. (*Political Code, sec. 997.*)

**SEC. 387.****VACANCIES OCCURRING DURING RECESS OF THE LEGISLATURE.**

Whenever an office, the appointment to which is vested in the Governor and Senate, or in the Legislature, either becomes vacant or the term of the incumbent of which expires during the recess of the Legislature, the Governor has power to appoint a person to such office; but the person so appointed can only hold the office until the adjournment of the next session of the Legislature. (*Political Code, sec. 1000.*)

**SEC. 388.****VACANCIES IN LEGISLATURE, HOW FILLED.**

Whenever a vacancy occurs in either House of the Legislature the Governor must at once issue a writ of election to fill such vacancy. (*Political Code, sec. 998.*)

**SEC. 389.****VACANCIES, HOW FILLED WHEN NOT OTHERWISE PROVIDED FOR.**

When any office becomes vacant, and no mode is provided by law for filling such vacancy, the Governor must fill such vacancy by granting a commission, to expire at the end of the next session of the Legislature or at the next election by the people. (*Political Code, sec. 999.*)

**PART IV. IMPEACHMENT.****SEC. 390.****IMPEACHMENT.**

The Assembly shall have the sole power of impeachment, and all impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the members elected. (*Constitution, art. IV, sec. 17.*)

**SEC. 391.****WHO MAY BE IMPEACHED—OTHER OFFICERS.**

The Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Surveyor General, Chief Justice and Associate Justices of the Supreme Court, Judges of the District Court of Appeal, and Judges of the Superior Courts, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office, and disqualification to hold

any office of honor, trust, or profit under the State; but the party convicted or acquitted shall nevertheless be liable to indictment, trial and punishment according to law. All other civil officers shall be tried for misdemeanor in office in such manner as the Legislature may provide. (*Constitution, art. IV, sec. 18.*)

**SEC. 392.****THE SEVERAL COURTS OF THIS STATE.**

The following are the courts of justice of this State:

1. The Court of Impeachment;
2. The Supreme Court;
3. The Superior Court;
4. The Justices' Court;

5. The Police Courts, and such other inferior courts as the Legislature may establish in any incorporated city or town, or city and county.

(6. District Courts of Appeal are provided for by constitutional amendment of 1904.) (*Code of Civil Procedure, sec. 33.*)

N. B.—The above section is the substance of sec. 1 of art. VI of the Constitution.

**SEC. 393.****COURTS OF RECORD.**

The courts enumerated in the first three subdivisions of the last preceding section are courts of record. (*Code of Civil Procedure, sec. 34.*)

**SEC. 394.****MEMBERS OF THE COURT.**

The court of impeachment is the Senate; when sitting as such court the Senators shall be upon oath; and at least two-thirds of the members elected shall be necessary to constitute a quorum. (*Code of Civil Procedure, sec. 36.*)

**SEC. 395.****JURISDICTION.**

The court has jurisdiction to try impeachments, when presented by the Assembly, of the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Surveyor General, Chief Justice of the Supreme Court, Associate Justices of the Supreme Court, and Judges of the Superior Courts, for any misdemeanor in office. (*Code of Civil Procedure, sec. 37.*)

**SEC. 396.****OFFICERS OF THE COURT.**

The officers of the Senate are the officers of the court. (*Code of Civil Procedure, sec. 38.*)

**SEC. 397.****TRIAL OF IMPEACHMENTS PROVIDED FOR IN PENAL CODE.**

Proceedings on the trial of impeachments are provided by the Penal Code. (*Code of Civil Procedure*, sec. 39.)

**SEC. 398.****PROCEEDINGS TO IMPEACH OR REMOVE OFFICERS AND OTHERS PRESERVED.**

The omission to specify or affirm in this code any ground of forfeiture of a public office, or other trust of special authority conferred by law, or any power conferred by law to impeach, remove, depose, or suspend any public officer or other person holding any trust, appointment or other special authority conferred by law, does not affect such forfeiture or power, or any proceeding authorized by law to carry into effect such impeachment, removal, deposition, or suspension. (*Penal Code*, sec. 10.)

**SEC. 399.****OFFICERS LIABLE TO IMPEACHMENT.**

The Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Surveyor General, Chief Justice, Associate Justices of the Supreme Court, and Judges of the Superior Courts, are liable to impeachment for any misdemeanor in office. (*Penal Code*, sec. 737.)

**SEC. 400.****ARTICLES, HOW PREPARED. TRIAL BY SENATE.**

All impeachments must be by resolution adopted, originated in, and conducted by the managers elected by the Assembly, who must prepare the articles of impeachment, present them at the bar of the Senate and prosecute the same. The trial must be had before the Senate, sitting as a court of impeachment. (*Penal Code*, sec. 738.)

**SEC. 401.****DELIVERY OF ARTICLES OF IMPEACHMENT.**

When an officer is impeached by the Assembly for a misdemeanor in office, the articles of impeachment must be delivered to the President of the Senate. (*Penal Code*, sec. 739.)

**SEC. 402.****TIME OF HEARING. SERVICE ON DEFENDANT.**

The Senate must assign a day for the hearing of the impeachment and inform the Assembly thereof. The President of the Senate must cause a copy of the articles of impeachment, with a notice to appear and answer the same at the time and place appointed, to be served on the defendant not less than ten days before the day fixed for the hearing. (*Penal Code*, sec. 740.)

**SEC. 403.****SERVICE IN IMPEACHMENT, HOW MADE.**

The service must be made upon the defendant personally, or if he can not upon diligent inquiry, be found within the State, the Senate, upon proof of that fact, may order publication to be made, in such manner as it may deem proper, of a notice requiring him to appear at a specified time and place and answer the articles of impeachment. (*Penal Code*, sec. 741.)

**SEC. 404.****PROCEEDINGS ON FAILURE TO APPEAR IN IMPEACHMENT.**

If the defendant does not appear, the Senate, upon proof of service or publication, as provided in the two last sections, may, of its own motion or for cause shown, assign another day for hearing the impeachment, or may proceed, in the absence of the defendant, to trial and judgment. (*Penal Code*, sec. 742.)

**SEC. 405.****DEFENDANT, AFTER APPEARANCE, MAY ANSWER OR DEMUR.**

When the defendant appears, he may in writing object to the sufficiency of the articles of impeachment, or he may answer the same by an oral plea of not guilty, which plea must be entered upon the Journal, and puts in issue every material allegation of the articles of impeachment. (*Penal Code*, sec. 743.)

**SEC. 406.****IF DEMURRER IS OVERRULED, DEFENDANT MUST ANSWER.**

If the objection to the sufficiency of the articles of impeachment is not sustained by a majority of the members of the Senate who heard the argument, the defendant must be ordered forthwith to answer the articles of impeachment. If he then pleads guilty, or refuses to plead, the Senate must render judgment of conviction against him. If he pleads not guilty, the Senate must, at such time as it may appoint, proceed to try the impeachment. (*Penal Code*, sec. 744.)

**SEC. 407.****SENATE TO BE SWORN.**

At the time and place appointed, and before the Senate proceeds to act on the impeachment, the Secretary must administer to the President of the Senate, and the President of the Senate to each of the members of the Senate then present, an oath truly and impartially to hear, try, and determine the impeachment; and no member of the Senate can act or vote upon the impeachment, or upon any question arising thereon, without having taken such oath. (*Penal Code*, sec. 745.)

**SEC. 408.****TWO-THIRDS NECESSARY TO A CONVICTION.**

The defendant cannot be convicted on impeachment without the concurrence of two-thirds of the members elected, voting by ayes and noes, and if two-thirds of the members elected do not concur in a conviction he must be acquitted. (*Penal Code, sec. 746.*)

**SEC. 409.****JUDGMENT ON CONVICTION, HOW PRONOUNCED.**

After conviction the Senate must, at such time as it may appoint, pronounce judgment, in the form of a resolution entered upon the journals of the Senate. (*Penal Code, sec. 747.*)

**SEC. 410.****JUDGMENT ON CONVICTION, WHEN FINAL.**

On the adoption of the resolution by a majority of the members present who voted on the question of acquittal or conviction, it becomes the judgment of the Senate. (*Penal Code, sec. 748.*)

**SEC. 411.****NATURE OF THE JUDGMENT.**

The judgment may be that the defendant be suspended, or that he be removed from office and disqualified to hold any office of honor, trust, or profit under the State. (*Penal Code, sec. 749.*)

**SEC. 412.****EFFECT OF JUDGMENT OF SUSPENSION.**

If judgment of suspension is given, the defendant, during the continuance thereof, is disqualified from receiving the salary, fees, or emoluments of the office. (*Penal Code, sec. 750.*)

**SEC. 413.****OFFICER, WHEN IMPEACHED, DISQUALIFIED UNTIL ACQUITTED.  
GOVERNOR TO TEMPORARILY FILL VACANCY.**

When articles of impeachment against any officer subject to impeachment are presented to the Senate, such officer is temporarily suspended from his office, and cannot act in his official capacity until he is acquitted. Upon such suspension of any officer other than the Governor, his office must at once be temporarily filled by an appointment made by the Governor, with the advice and consent of the Senate, until the acquittal of the party impeached; or, in case of his removal, until the vacancy is filled at the next election, as required by law. (*Penal Code, sec. 751.*)

**SEC. 414.****PRESIDING OFFICER WHEN LIEUTENANT GOVERNOR IS IMPEACHED.**

If the Lieutenant Governor is impeached, notice of the impeachment must be immediately given to the Senate by the Assembly, that another President may be chosen. (*Penal Code*, sec. 752.)

**SEC. 415.****IMPEACHMENT NOT A BAR TO INDICTMENT.**

If the offense for which the defendant is convicted on impeachment is also the subject of an indictment or information, the indictment or information is not barred thereby. (*Penal Code*, sec. 753.)

**PART V. WITNESSES.****SEC. 416.****SUBPOENAS.**

A subpoena requiring the attendance of any witness before either house of the Legislature or a committee thereof may be issued by the President of the Senate, Speaker of the House, or the chairman of any committee before whom the attendance of the witness is desired; and it is sufficient if:

1. It states whether the proceeding is before the Assembly or Senate or a committee.
2. It is addressed to the witness;
3. It requires the attendance of such witness at a time and place certain;
4. It is signed by the President of the Senate, Speaker of the Assembly, or chairman of a committee. (*Political Code*, sec. 300.)

**SEC. 417.****SERVICE OF SUBPOENA.**

The subpoena may be served by any person who might be a witness in the matter, and his affidavit that he delivered a copy to the witness is evidence of his service. (*Political Code*, sec. 301.)

**SEC. 418.****FAILURE OF WITNESS TO APPEAR, CONTEMPT.**

If any witness neglects or refuses to obey such subpoena, or appearing, neglects or refuses to testify, or to produce upon reasonable notice any material and proper books, papers or documents in his possession or under his control, the Senate, Assembly or any committee thereof may by resolution entered on the journal of the Senate or Assembly, or minutes of the committee, as the case may be, commit him for contempt; provided, however, that if any such contempt be committed before such committee during the session of the Legislature, such committee shall report the contempt to the Senate or Assembly, as the case may be, for such action as may be deemed necessary by the Senate or Assembly. (*Political Code*, sec. 302.)

## SEC. 419.

## WARRANT OF ARREST.

Any witness neglecting or refusing to attend in obedience to subpoena may be arrested by the Sergeant-at-Arms and brought before the Senate, Assembly or committee thereof, as the case may be. The only warrant or authority necessary authorizing such arrest, is a copy of a resolution of the Senate, the Assembly or committee signed by the President of the Senate, Speaker of the Assembly or chairman of the committee, as the case may be, and countersigned by the Secretary of the Senate, the Clerk of the Assembly or a majority of the members of any such committee, as the case may be. (*Political Code*, sec. 303.)

## SEC. 420.

WITNESSES NOT TO BE HELD TO ANSWER CRIMINALLY. REFUSAL  
TO TESTIFY.

No person sworn and examined before either house of the Legislature, or any committee thereof, can be held to answer criminally or be subject to any penalty or forfeiture for any fact or act touching which he is required to testify; nor is any statement made or paper produced by any such witness competent evidence in any criminal proceeding against such witness; nor can such witness refuse to testify to any fact or to produce any paper touching which he is examined, for the reason that his testimony or the production of such paper may tend to disgrace him or render him infamous. Nothing in this section exempts any witness from prosecution and punishment for perjury committed by him on such examination. (*Political Code*, sec. 304.)

## SEC. 421.

WITNESSES REFUSING TO ATTEND, TESTIFY, OR PRODUCE PAPERS  
BEFORE THE LEGISLATURE OR COMMITTEES THEREOF.

Every person who, being summoned to attend as witness before either house of the Legislature or any committee thereof, refuses or neglects, without lawful excuse, (1) to attend pursuant to such summons; and every person who, being present before either house of the Legislature or any committee thereof, wilfully (2) refuses to be sworn or to answer any material and proper question, or (3) to produce, upon reasonable notice, any material and proper books, papers, or documents in his possession or under his control, is guilty of a misdemeanor. (*Penal Code*, sec. 87.)

## SEC. 422.

## FEES FOR WITNESSES.

Witnesses summoned to appear before the House or any of its committees shall be paid as follows: For each day a witness shall attend, the sum of three dollars; for each mile he shall travel in coming to and going from the place of examination, the sum of ten cents. No mileage shall be paid except where the witness has actually traveled for the purpose of giving testimony. (*Assembly Rule No. 83.*)

## CHAPTER IX.

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**PART I. THE GOVERNOR.****SEC. 423.****MESSAGES TO LEGISLATURE.**

He shall communicate by message to the Legislature, at every session, the condition of the State, and recommend such matters as he shall deem expedient. (*Constitution, art V, sec. 10.*)

**SEC. 424.****WHEN TO ADJOURN LEGISLATURE.**

In case of a disagreement between the two houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper; *provided*, if it be not beyond the time fixed for the meeting of the next Legislature. (*Constitution, art. V, sec. 11.*)

**SEC. 425.****WHEN TO CONVENE SPECIAL SESSIONS.**

He may, on extraordinary occasions, convene the Legislature by proclamation, stating the purposes for which he has convened it, and when so convened it shall have no power to legislate on any subjects other than those specified in the proclamation, but may provide for the expenses of the session and other matters incidental thereto. (*Constitution, art. V, sec. 9.*)

**SEC. 426.****APPROVAL AND RETURN OF BILLS—PASSAGE OVER VETO.**

Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve it, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated, which shall enter such objections upon the Journal and proceed to reconsider it. If, after such reconsideration, it again pass both houses, by yeas and nays, two-thirds of the members elected to each house voting therefor, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within ten days after it shall have been presented to him (Sundays excepted), the same shall become a law in like manner as if he had signed it, unless the Legislature, by adjournment, prevents such return, in which case it shall not become a law, unless the Governor, within thirty days after such adjournment (Sundays excepted), shall sign and deposit the same in the office of the Secretary of State, in which case it shall become a law in like manner as if it had been signed by him before adjournment. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more items, while approving other portions of the bill. In such case he shall append to the bill at the time of signing it, a statement of the items to which he objects, and the reasons therefor, and the appropriation so objected to shall not take effect unless passed over the Governor's veto, as hereinbefore provided. If the Legislature be in session, the Governor shall transmit to the house in which the bill originated a copy of such statement, and the items so objected to shall be separately reconsidered in the same manner as bills which have been disapproved by the Governor. (*Constitution, art. IV, sec. 16.*)

**SEC. 427.****BILLS RECEIVED BY THE GOVERNOR MUST BE INDORSED BY HIS PRIVATE SECRETARY.**

Every bill must, as soon as delivered to the Governor, be indorsed as follows: "This bill was received by the Governor this ..... day of ..... , eighteen [nineteen] ..... " The indorsement must be signed by the private secretary of the Governor. (*Political Code*, sec. 309.)

**SEC. 428.****APPROVAL OF BILLS.**

When the Governor approves a bill he must set his name thereto, with the date of his approval, and deposit the same in the office of the Secretary of State. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more items while approving other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the reasons therefor. If the Legislature be in session, the Governor shall transmit to the House in which the bill originated a copy of such statement, and the items so objected to shall be separately reconsidered in the same manner as bills which have been disapproved by the Governor. (*Political Code*, sec. 310.)

**SEC. 429.****BILLS RETURNED WITHOUT APPROVAL.**

When a bill has passed both houses of the Legislature and is returned by the Governor without his signature, and with objections thereto, or if it be a bill containing several items of appropriation of money, with objections to one or more items, and upon reconsideration, such bill, or item, or items, pass both houses by the constitutional majority, the bill, or item, or items must be authenticated as having become a law by a certificate indorsed on or attached to the bill, or indorsed on or attached to the copy of the statement of objections, in the following form: "This bill having been returned by the Governor with his objections thereto, and, after reconsideration, having passed both houses by the constitutional majority, has become a law this ..... day of ..... , A. D. ..... ;" or, "The following items in the within statement (naming them) having, after reconsideration, passed both houses by the constitutional majority, have become a law this ..... day of ..... , A. D. ..... " which indorsement, signed by the President of the Senate and the Speaker of the Assembly, is a sufficient authentication thereof. Such bill or statement must then be delivered to the Governor, and by him must be deposited with the laws in the office of the Secretary of State. (*Political Code*, sec. 311.)

**SEC. 430.****RETURN, WHEN HOUSE NOT IN SESSION.**

If, on the day the Governor desires to return a bill without his approval and with his objections thereto to the house in which it originated, that house had adjourned for the day (but not for the session), he may deliver the bill with his message to the Presiding Officer, Secretary, Clerk, or any member of such house, and such delivery is as effectual as though returned in open session, if the Governor, on the first day the house is again in session by message notifies it of such delivery and of the time when and the person to whom such delivery was made. (*Political Code*, sec. 312.)

**SEC. 431.****BILLS REMAINING WITH THE GOVERNOR MORE THAN TEN DAYS.**

Every bill which has passed both houses of the Legislature, and has not been returned by the Governor within ten days, thereby becoming a law, is authenticated by the Governor causing the fact to be certified thereon by the Secretary of State in the following form: "This bill having remained with the Governor ten days (Sundays excepted), and the Legislature being in session, it has become a law this ..... day of ....., A. D. ....," which certificate must be signed by the Secretary of State and deposited with the laws in his office. (*Political Code*, sec. 313.)

**SEC. 432.****NOMINATIONS TO SENATE MUST BE IN WRITING.**

Nominations made by the Governor to the Senate must be in writing, designating the residence of the nominee and the office for which he is nominated. (*Political Code*, sec. 889.)

**SEC. 433.****POWER OF THE GOVERNOR TO GRANT REPRIVES, COMMUTATIONS, AND PARDONS.**

The Governor has power to grant reprieves, commutations, and pardons, after conviction, for all offenses, except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to the regulations provided for in this chapter. (*Penal Code*, sec. 1417.)

**SEC. 434.****GOVERNOR'S POWER IN RESPECT TO CONVICTIONS FOR TREASON.**

He may suspend the execution of the sentence, upon a conviction for treason, until the case can be reported to the Legislature at its next meeting, when the Legislature may either pardon, direct the execution of the sentence, or grant a further reprieve; *provided*, that neither the Governor nor the Legislature shall have power to grant pardons or commutations of sentence in any case where the convict has been twice

convicted of felony, after the first day of January, eighteen hundred and eighty, unless upon the written recommendation of a majority of the judges of the supreme court. (*Penal Code, sec. 1418.*)

**SEC. 435.**

**GOVERNOR TO COMMUNICATE TO LEGISLATURE REPIEVES,  
COMMUNICATIONS AND PARDONS.**

He must, at the beginning of every session, communicate to the Legislature each case of reprieve, commutation, or pardon, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the commutation, pardon or reprieve, and the reasons for granting the same. (*Penal Code, sec. 1419.*)

**SEC. 436.**

**MESSENGERS FROM THE GOVERNOR MAY BE INTRODUCED.**

Messengers from the Governor may be introduced into either house of the Legislature at any stage of business, except while a question is being put, while the ayes and noes are being called, while ballots are being counted or while a member is addressing the house. (*Senate Rule No. 53. Assembly Rule No. 64.*)

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**SEC. 437.**

**EXECUTIVE COMMUNICATIONS AND NOMINATIONS TO COMMITTEE.**

When executive communications or nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be referred to the Committee on Rules, unless otherwise ordered by the Senate, which motion shall be determined without debate. (*Senate Rule No. 54.*)

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**SEC. 438.**

**JOINT ADDRESS TO GOVERNOR.**

When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber by the President of the Senate in the presence of the Speaker of the Assembly and a select committee of six members from each house appointed by the respective presiding officers. (*Joint Rule No. 47.*)

**SEC. 439.**

(Form.)

**MESSAGE FROM THE GOVERNOR.**

The following message received from the Governor was read and ordered printed in the Journal:

**SEC. 440.**

(Form.)

**MOTION CONFIRMING APPOINTMENT OF GOVERNOR.**

Senator<sup>1</sup> ..... moved that the Senate advise and consent to the several appointments of the Governor.

The President<sup>1</sup> put the question "Will the Senate advise and consent to the appointment of ..... of .....<sup>2</sup> as a member of the Board of Managers of the ..... State Hospital, vice ..... , resigned<sup>3</sup>?"

The roll was called, with the following result:

(ROLL CALL.)

Whereupon the President<sup>2</sup> announced that the Senate had advised and consented to the appointment of ..... , of ..... a member of the Board of Managers of the ..... State Hospital, vice ..... , resigned<sup>3</sup>.

**EXPLANATORY NOTE.**<sup>1</sup>Or other presiding officer.<sup>2</sup>Name of place of residence.<sup>3</sup>Or term expired.**SEC. 440½.**

(Form.)

**(SUSTAINING GOVERNOR'S VETO.)**

(Message from the Governor announcing his objections to ..... Bill No. ....)

The question being, "Shall ..... Bill No. ..... become a law notwithstanding the objections of the Governor?"

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—.....

NOES—.....

**PART II. PRESIDING OFFICERS.****SEC. 441.****PER DIEM, ETC., OF SPEAKER**

The Speaker of the Assembly shall receive the sum of ten dollars per diem during the session of the Legislature, and the same mileage and sum for contingent expenses as members of the Legislature. (*Political Code, sec. 267.*)

**SEC. 442.****APPOINTMENT OF STANDING COMMITTEES OF LEGISLATURE.**

All standing committees of the Senate and Assembly shall be appointed by the presiding officer of the respective houses; *provided*, that each house may by resolution, or the rules thereof, direct otherwise. (*Political Code, sec. 248.*)

**SEC. 442½.****PRESIDING OFFICERS TO SELECT MEMBERS OF LEGISLATURE TO WRITE ARGUMENTS FOR AND AGAINST CONSTITUTIONAL AMENDMENTS.**

Whenever the Legislature shall propose any amendments to the Constitution of this State, which amendment shall have been passed in the manner required by section one of article eighteen of the Constitution, the author of such amendment and one member of the same house who voted with the majority on the submission of such amendment and one member of the same house as the author who voted with the minority against the submission of such amendment, both of whom shall be selected by the presiding officer of such house, before the adjournment of the Legislature, and they shall within one year after the adjournment of the Legislature prepare a brief statement showing the purpose of the proposed amendments, etc. \* \* \* (*Political Code, sec. 1195.*)

**SEC. 443.****SPEAKER TO PRESERVE ORDER; TO DECIDE POINTS OF ORDER; AND MAY SPEAK TO SAME.**

He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any member, on which appeal no member shall speak more than once, unless by leave of the House. (*Assembly Rule No. 6.*)

**SEC. 444.****SPEAKER TO HAVE DIRECTION OF THE HALL; MAY CALL ANY MEMBER TO THE CHAIR.**

He shall have general direction of the hall. He shall have a right to name any member to perform the duties of the Chair, but such substitutions shall not extend beyond an adjournment. He shall have the control and direction of the journals, papers and bills of the Assembly. He shall have the power to see that all officers of the Assembly perform their respective duties, and may assign places to properly accredited newspaper representatives. (*Assembly Rule No. 7.*)

**SEC. 445.****SPEAKER TO SIGN RESOLUTIONS, ETC., ATTESTED BY THE CLERK.**

All acts, addresses, and joint resolutions shall be signed by the Speaker, and all writs, warrants, and subpoenas issued by order of the House shall be under his hand, attested by the Clerk. (*Assembly Rule No. 8.*)

**SEC. 446.****SPEAKER MAY ORDER THE GALLERIES AND LOBBY CLEARED.**

In case of any disturbance or disorderly conduct in the galleries or lobby, or whenever he shall deem it necessary, the Speaker (or Chair-

man of the Committee of the Whole House) shall have power to order the same to be cleared. (*Assembly Rule No. 70.*)

**SEC. 447.****SPEAKER TO CALL HOUSE TO ORDER.**

The Speaker, or, in his absence, the Speaker pro tem., shall take the chair precisely at the hour appointed for meeting, and shall immediately call the House to order. In the absence of both the Speaker and Speaker pro tem., the Chief Clerk, or an assistant, shall call the House to order, whereupon a Chairman shall be elected from among the members to preside. (*Assembly Rule No. 2.*)

**SEC. 448.****SPEAKER TO DECIDE WHO IS ENTITLED TO THE PLACE.**

When two or more members shall rise at once, the Speaker shall name the member who is first to speak. (*Assembly Rule No. 51.*)

**SEC. 449.****MOTIONS TO BE STATED BY SPEAKER, AND IF DESIRED SHALL BE REDUCED TO WRITING, OR MAY BE WITHDRAWN.**

No motion shall be debated until the same be seconded and distinctly announced by the Speaker; and it shall be reduced to writing, if desired by the Speaker, or any member, and may be read by the Clerk, before the same shall be debated. A motion may be withdrawn, by leave of the House, at any time before amendment or decision. (*Assembly Rule No. 49.*)

**SEC. 450.****CALLING TO ORDER.**

The President, President pro tem., or senior member present, shall call the Senate to order at the hour stated, and if a quorum be present proceed with the order of business. (*Senate Rule No. 2.*)

**SEC. 451.****PRESIDENT—HIS POWERS AND PREROGATIVES.**

The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the journals, papers, and bills of the Senate. He shall see that all officers of the Senate perform their respective duties, and may assign places to properly accredited newspaper representatives. (*Senate Rule No. 56.*)

**SEC. 452.****PRESIDENT MAY ORDER LOBBIES CLEARED.**

In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have power to order the same cleared. (*Senate Rule No. 70.*)

**SEC. 453.****PRESIDENT MAY CALL SENATOR TO CHAIR.**

The President shall have the right to name any Senator to perform the duties of the chair, who shall be vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding. (*Senate Rule No. 58.*)

**SEC. 454.****APPOINTMENT TO COMMITTEES.**

All standing committees of the Senate shall be named by the President of the Senate unless otherwise ordered, and the first named shall be the chairman thereof. All other committees shall be appointed in such manner as the Senate shall determine. (*Senate Rule No. 59.*)

**SEC. 455.****PRESIDENT PRO TEM.—HIS POWERS AND PRIVILEGES.**

The President pro tem. shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tem. shall vote only as any other member of the Senate. (*Senate Rule No. 60.*)

**SEC. 456.****ENROLLED BILLS TO RECEIVE SIGNATURE OF PROPER OFFICERS.**

After a bill shall have passed both houses, it shall be duly enrolled and carefully compared by the Engrossing and Enrolling Clerk and Engrossing and Enrolling Committee of the House in which it originated, with the engrossed bill as passed in the two Houses. It shall then receive the signatures provided for in Joint Rule No. 37, and be presented to the Governor of the State. (*Joint Rule No. 36.*)

**SEC. 457.****ENROLLING COMMITTEE TO PRESENT BILLS TO GOVERNOR.**

After a bill shall have been thus passed in each House, it shall be presented by the Engrossing and Enrolling Committee of the House in which it originated to the Governor of the State for his approval (it being first endorsed on the bill by the presiding officers of the two Houses, and by the Secretary of the Senate and Chief Clerk of the Assembly). The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journal of the House in which the bill originated. (*Joint Rule No. 37.*)

**PART III. OTHER OFFICERS AND ATTACHES.**

N. B.—See also sections 15-18.

**SEC. 458.****OFFICERS, EMPLOYEES AND ATTACHES.**

The Legislature may also provide for the employment of help; but

in no case shall the total expense for officers, employees and attaches exceed the sum of five hundred dollars per day for either house, at any regular or biennial session, nor the sum of two hundred dollars per day for either house at any special or extraordinary session; nor shall the pay of any officer, employee or attache be increased after he is elected or appointed. (*Constitution, art. IV, sec. 23a.*)

**SEC. 459.****DUTIES OF SECRETARY AND CLERK.**

The Secretary of the Senate and the Chief Clerk of the Assembly must attend each day, call the roll, read the journal and bills, and superintend all copying necessary to be done for their respective houses. (*Political Code, sec. 253.*)

**SEC. 460.****RESOLUTION OF CONCURRENCE TO BE TRANSMITTED TO SECRETARY OF STATE AND GOVERNOR.**

Whenever the Senate concurs in a nomination, its Secretary must immediately deliver a copy of the resolution of concurrence, certified by the President and Secretary, to the Secretary of State, and another copy, certified by the Secretary, to the Governor. (*Political Code, sec. 890.*)

**SEC. 461.****OATHS TO BE TRANSMITTED TO SECRETARY OF STATE.**

The Secretary of the Senate and the Chief Clerk of the Assembly are required by law to file as expeditiously as possible with the Secretary of State certified copies of the oath of office of each member and officer of their respective houses. (*Political Code, sec. 909.*)

**SEC. 462.****DUTIES OF ASSISTANT SECRETARY AND ASSISTANT CLERK.**

The assistant secretaries of the Senate and the assistant clerks of the Assembly must take charge of all bills, petitions, and other papers presented to their respective houses, file and enter the same in the books provided for that purpose, and perform such other duties as may be directed by the Secretary of the Senate and Chief Clerk of the Assembly. (*Political Code, sec. 254.*)

**SEC. 463.****DUTIES OF MINUTE CLERK.**

The minute clerk of the Senate and the minute clerk of the Assembly must keep a correct record of the proceedings of their respective houses. (*Political Code, sec. 255.*)

**SEC. 464.****DUTIES OF SERGEANT-AT-ARMS.**

The Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the Assembly, must give a general supervision, under the direction of their presiding officers, to the Senate and Assembly chambers, with the rooms attached; attend during the sittings of their respective bodies, execute their commands and all process issued by their authority; keep an account for pay and mileage of members, and prepare checks for same. (*Political Code, sec. 259.*)

**SEC. 465.****DUTIES OF ASSISTANT SERGEANT-AT-ARMS.**

The Assistant Sergeant-at-Arms of each house must perform the duties of doorkeeper, prohibit all persons, except members, officers, and employees, and such other persons as may have the privilege of the floor assigned them by the rule of each house, from entering within the bar of the house, unless upon invitation, and keep order in the halls and lobbies. (*Political Code, sec. 260.*)

**SEC. 466.****DUTIES OF OFFICERS AT CLOSE OF SESSION.**

The Secretary and assistant secretaries of the Senate, and Chief Clerk and assistant clerks of the Assembly, at the close of each session of the Legislature, must mark, label and arrange all bills and papers belonging to the archives of their respective houses, and deliver them, together with all the books of both houses, to the Secretary of State, who must certify to the reception of the same. (*Political Code, sec. 261.*)

**SEC. 467.****COMPENSATION OF OTHER OFFICERS AND EMPLOYEES.**

(Salaries of Officers and Attaches of the Senate.)

There shall be paid to the officers and employees of the Senate the following salaries: To the Secretary, ten dollars per day; to the Sergeant-at-Arms, eight dollars per day; to one assistant secretary who shall be clerk of the committee on printing, and to the minute clerk, who shall also be clerk of the committee on rules, each, nine dollars per day; to the assistant secretaries, assistant minute clerks, journal clerk, engrossing and enrolling clerk, file clerk and history clerk, each seven dollars per day; to the assistant sergeants-at-arms, bookkeeper to sergeant-at-arms, assistant journal clerks, assistant engrossing and enrolling clerks, assistant history clerk and assistant at desk, each five dollars per day; to the chaplain, four dollars per day; to one stenographer who shall be known as the chief stenographer, six dollars per day; to the other stenographers, each five dollars per day; to the committee clerks, each four dollars per day, excepting the one clerk of the judiciary committee and one clerk of the finance committee, shall receive each six dollars per day; postmaster, assistant postmaster, cloak-room clerk, and press mailing clerks, each four dollars per day; to the mail carriers, gatekeepers, doorkeepers, each, three dollars per day; to each page, two dollars and fifty cents per day. (*Political Code, sec. 268, as amended May 25, 1915.*)

## (Salaries of Officers and Attaches of Assembly.)

There shall be paid to the officers and employees of the Assembly the following salaries: To the Clerk, ten dollars per day; to the Sergeant-at-Arms, eight dollars per day; to one assistant clerk, who shall be clerk of the committee on public printing, and to the minute clerk, who shall also be clerk of the committee on rules, each, nine dollars per day; to the assistant clerks, assistant minute clerks, journal clerk, engrossing and enrolling clerk, file clerk and history clerk, each, seven dollars per day; to the assistant sergeant-at-arms, bookkeeper to sergeant-at-arms, clerk to the sergeant-at-arms, assistant journal clerks, assistant engrossing and enrolling clerks, each five dollars per day; to one stenographer who shall be known as the chief stenographer, six dollars per day; to the other stenographers, each five dollars per day; to the committee clerks, each four dollars per day, except that one clerk of the ways and means committee and one clerk of the judiciary committee shall each receive six dollars per day; chaplain, postmaster and assistant postmaster, each four dollars per day; to the mail carrier, gatekeepers and doorkeepers, janitress to the ladies' cloakroom, each three dollars per day; to each page, two dollars and fifty cents per day. (*Political Code*, sec. 268, as amended May 25, 1915.)

## SEC. 467½.

## ADDITIONAL COMPENSATION OF ATTACHES.

No attache of the Assembly shall demand or receive from any person any compensation other than that provided by law for services performed as such attache. (*Assembly Rule No. 29.*)

## SEC. 468.

## COMPENSATION FOR SERVICES AFTER CLOSE OF SESSION.

For services performed under the provisions of section two hundred and sixty-one of this code, each of the officers therein named receive a compensation of fifty dollars. (*Political Code*, sec. 269.)

## SEC. 469.

## SECRETARY AND CHIEF CLERK TO KEEP REGISTER.

The Secretary of the Senate and Chief Clerk of the Assembly shall keep a register, in which shall be recorded every action taken by the Senate and Assembly on every bill, concurrent or joint resolution, or constitutional amendment. (*Joint Rule No. 23.*)

## SEC. 470.

## SECRETARY AND CHIEF CLERK SHALL ENDORSE BILLS.

The Secretary of the Senate and Chief Clerk of the Assembly shall endorse on every original bill a statement of any action taken by the Senate and Assembly. (*Joint Rule No. 24.*)

**SEC. 471.****DUTIES OF THE SECRETARY.**

1. It shall be the duty of the Secretary of the Senate to attend every session, call the roll, read all bills, amendments, resolutions, and all papers ordered read by the Senate or the presiding officer.

2. To superintend all copying and work to be done for the Senate. To have supervision over all attaches and employees of the Senate. To assign, reassign or transfer all attaches or employees to their respective duties. To certify to and transmit to the Assembly all bills, joint and concurrent resolutions, constitutional amendments and papers requiring the concurrence of the Assembly, immediately after their passage or adoption by the Senate.

3. To keep a correct journal of the proceedings of the Senate.

4. To notify the Assembly of the action by the Senate on all matters originating in the Assembly, and requiring action on the part of the Senate.

5. To permit no papers or records belonging to the Senate to be taken out of its custody otherwise than in the regular course of business.

(Senate Rule No. 61.7 16

N. B.—See also sections 460 and 461.

**SEC. 472.****RECORDS OR PAPERS NOT TO BE TAKEN FROM DESK.**

The Secretary of the Senate shall not permit any records or papers to be taken from the desk, or out of his custody, by any person except a chairman of a committee; but he shall deliver any bill or paper to be printed to the Superintendent of State Printing, and all bills ordered engrossed or enrolled to the Committee on Engrossment and Enrollment, and take receipts therefor. (Senate Rule No. 62.)

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**SEC. 473.****DUTIES OF CHIEF CLERK.**

The Chief Clerk shall have charge and supervision of all the clerical business of the Assembly. He shall perform the duties imposed on him by law and the rules of the Assembly. Subject to the provisions of Rule 67, he and his assistants shall read from the desk only such matters as the Speaker shall direct. He shall have the supervision of all the clerks and assistants at the desk, of all bill clerks, bill filers, stenographers, and of all committee attaches, and all pages, and shall be responsible for their performance of and regular attendance upon their duties, and shall have power to suspend any such clerk or attache under him for dereliction of duty, and shall report to the Committee on Attaches such suspension and the cause thereof. Said suspended clerk or attache shall not receive any pay during the time of such suspension. The Committee on Attaches shall have the power to relieve the attache or clerk of his suspension, and shall have the power, subject to the approval of the House, to remove any clerk or attache for incompetency or for wilful neglect of duty. The Chief Clerk shall not per-

mit any records or papers to be taken from the desk, or out of his custody, by any person except a chairman of a committee; but he shall deliver any bill or paper to be printed to the Superintendent of State Printing, and all bills ordered engrossed or enrolled to the Committee on Engrossment and Enrollment, and take receipts therefor. (*Assembly Rule No. 25.*)

**SEC. 474.****ASSIGNMENT OF ATTACHES**

The Committee on Attaches shall assign the committee clerks and the official stenographers of the house to the various committees and, on recommendation of the Chief Clerk, shall have the authority to reassign any clerk or attache under him to special duties or other committees when the necessity arises.

The Committee on Attaches, in co-operation with the Chief Clerk and Sergeant-at-Arms, shall exercise general supervision over and shall systematize the work of all attaches.

The Committee on Attaches shall see to it that attaches shall not receive their per diem until they have been sworn in, and that the per diem of attaches shall be forfeited for each day on which they are absent from their duties without excuse from the authority delegated by the Committee.

All assignments of committee clerks and stenographers made by the Committee on Attaches under this rule shall be reported to the House and entered in the Journal. (*Assembly Rule No. 24.*)

**SEC. 475.****DUTIES OF THE SERGEANT-AT-ARMS (ASSEMBLY).**

The Sergeant-at-Arms shall attend the House, during its sittings, execute the commands of the Speaker of the House, and serve all process issued by authority thereof directed to him by the Speaker. He shall be sworn to keep the secrets of the House. He shall also have supervision over the Assistant Sergeant-at-Arms and gatekeepers, and shall be responsible for their performance of and regular attendance upon their duties, and shall have power to suspend any such attache under him for dereliction of duty, and shall report to the Committee on Attaches such suspension and the causes thereof. Said suspended attache shall not receive any pay during the time of such suspension. The Committee on Attaches shall have power to relieve the attache of his suspension, and shall have the power, subject to the approval of the House, to remove any attache for incompetency or for wilful neglect of duty. The Sergeant-at-Arms shall place copies of all bills, joint and concurrent resolutions, constitutional amendments, and journals and histories, when printed, on the desks of members at least one hour previous to the opening of the session. (*Assembly Rule No. 26.*)

**SEC. 476.****EXPENSES OF SERGEANT-AT-ARMS.**

The Sergeant-at-Arms shall receive his actual traveling expenses for himself or a special messenger when executing any process issued by

the House or by any officer or committee thereof. (*Assembly Rule No. 27.*)

**SEC. 477.**

**ASSISTANT SERGEANT-AT-ARMS TO BE DOORKEEPER.**

The Assistant Sergeant-at-Arms designated by the Speaker shall be the doorkeeper and shall be sworn to keep the secrets of the House. (*Assembly Rule No. 28.*)

**SEC. 478.**

**SERGEANT-AT-ARMS (SENATE).**

A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during all of its sittings, to execute the commands of the Senate from time to time, together with all such process issued by authority thereof, as shall be directed to him by the President. The Sergeant-at-Arms is authorized to arrest for contempt all persons outside the bar, or in the gallery, found in loud conversation, or otherwise making a noise to the disturbance of the Senate. The actual expenses of the Sergeant-at-Arms for every arrest, for each day's custody and releasement, and the traveling expenses for himself and special messenger going and returning shall be paid out of the contingent fund, and no other fees shall be paid him beyond his per diem. It shall also be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators. (*Senate Rule No. 64.*) 18

**SEC. 479.**

**PRINTED BILLS, ETC., MUST BE PLACED ON DESKS.**

The Sergeant-at-Arms shall place copies of all bills, joint and concurrent resolutions, constitutional amendments, and journals and histories, when printed, on the desks of Senators at least one hour previous to the opening of session. (*Senate Rule No. 65.*) 19

**SEC. 480.**

**GATEKEEPER.**

It shall be the duty of the gatekeeper to prevent all persons, except Senators, ex-Senators, members of the Assembly, State officers, officers of the two houses, and such accredited newspaper representatives as have seats assigned to them by the President, from coming within the bar of the Senate, unless upon written invitation of the President or a Senator; provided, that no visitor shall be allowed upon the floor while the Senate is in session. (*Senate Rule No. 66.*) 12

**SEC. 481.**

(Form.)

**RESOLUTION.**

**The following resolution was offered:**

**By Senator.....:**

**Resolved,** That the following named persons be allowed the sums set oppo-

site their respective names, for services rendered the Senate<sup>2</sup> prior to its organization, the same being payable out of the Contingent Fund:  
 ..... Secretary to the President<sup>3</sup>, two days at \$6.00.....\$12 0 O  
 ..... Page to the President<sup>3</sup>, one day at \$2.50..... 2 5 O

Resolution read.

Senator ..... moved that the resolution be adopted.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote =  
 (ROLL CALL.)

#### RESOLUTION.

The following resolution was offered:

By Senator<sup>1</sup> ..... :

*Resolved*, That the following named persons be and they are hereby appointed to the respective positions hereinafter set forth as provided by law with the compensation set opposite their names, payable weekly, and the Controller is hereby directed to draw his warrants for the said respective amounts and the Treasurer is directed to pay the same:

..... Assistant Minute Clerk.....	\$7 00 per day
..... Journal Clerk .....	7 00 per day
..... Postmistress .....	4 00 per day
..... Assistant Sergeant-at-Arms.....	5 00 per day
..... Assistant Journal Clerk.....	5 00 per day
..... Stenographer .....	5 00 per day, etc.

#### EXPLANATORY NOTE.

<sup>1</sup>Or Mr.

<sup>2</sup>Or Assembly.

<sup>3</sup>Or Speaker.

## PART IV. PRINTING.

#### SEC. 482.

#### DUTIES OF SUPERINTENDENT OF STATE PRINTING.

It is the duty of the Superintendent of State Printing:

1. To print the laws; the journals of the Legislature; reports of state officers; public documents ordered to be printed by the Legislature; blanks for the Supreme Court, the offices of Governor, Secretary of State, Controller, Treasurer of State, Superintendent of Public Instruction, Attorney General, Surveyor General, and Register of the Land Office; the bills, resolutions and other job printing which may be ordered by either of the two houses of the Legislature, and all other public printing for the State, unless otherwise expressly ordered by law.

\* \* \* \* \*

7. No printing for the Senate, or any committee of the same, shall be executed except upon an official order of the Secretary, and no order for any printing shall be made by that officer unless the same is ordered by a majority vote of the Senate. All printing done for the Senate shall be delivered to the Sergeant-at-Arms of that body, whose duty it shall be to distribute one-third of the copies of any document printed to the members of the Senate, and two-thirds to the Sergeant-at-Arms of the Assembly, who shall receipt therefor, for distribution to the members thereof. There shall be printed two hundred and forty copies of all bills, resolutions and reports ordered printed by the Senate.

8. No printing for the Assembly, or any committee of the same, shall be executed except upon an official order of the Chief Clerk, and no order for any printing shall be made by that officer unless the same is ordered by a majority vote of the Assembly. All printing done for the Assembly shall be delivered to the Sergeant-at-Arms of that body, whose duty it shall be to distribute two-thirds of the copies of any document printed to the members of the Assembly, and one-third to the Sergeant-at-Arms of the Senate, who shall receipt therefor, for distribution to the members thereof. There shall be printed two hundred and forty copies of all bills, resolutions, and reports ordered printed by the Assembly.

9. The receipts of the respective sergeant-at-arms of the Senate and Assembly shall be a sufficient voucher to the Superintendent of State Printing for all work done for either house. (*Political Code, sec. 526.*)

**SEC. 483.****NUMBER OF DOCUMENTS TO BE PRINTED.**

Whenever any message or document, in book form, is ordered printed by either house, four hundred and eighty copies thereof, in addition to the number ordered, must be struck off and retained in sheets, and bound with the journals of the House ordering the same, as an appendix. Of bills ordered printed, when the number is not fixed in the order, there must be printed two hundred and forty copies. (*Political Code, sec. 527.*)

**SEC. 484.****LAWS AND JOURNALS TO BE PRINTED.**

There must be printed of the laws of each session of the Legislature, twenty-two hundred and fifty copies, in English, to be deposited with the Secretary of State, who, after retaining a sufficient number of said volumes for distribution, in accordance with the provisions of section four hundred and nine of the Political Code, shall deposit one hundred and fifty copies with the State Librarian; the remaining copies to be sold at a price not to exceed three dollars per bound volume; the moneys thus received to be paid into the state treasury at the end of each month, as other fees are paid by the Secretary of State, and for the same purposes. Whenever any bill, joint or concurrent resolution, is passed to enrollment, by either the Senate or Assembly, the Committee on Enrollment of the house, in which the bill, joint or concurrent resolution originated, shall transmit the same, without delay, to the Superintendent of State Printing, who shall receipt for all such bills and resolutions, and proceed at once to have the same printed, in the order in which received, in the measure prescribed by law for the statutes. So soon as printed, one copy, with proper blanks for the signatures of the officers whose duty it is to sign enrolled bills, shall be printed on bond paper, which, together with the engrossed bill, shall be sent to the Committee on Enrollment of the house in which the bill originated. Said committee shall compare such copy with the engrossed bill, and if it is found to be correct shall present it to the proper officers for

their signatures. When such officials shall have signed their names thereon, as required by law, it shall be an enrolled bill, and shall be transmitted to the Governor for his approval. If the same is signed by the Governor and becomes a law, the printed law shall go to the Secretary of State and become the official record.

2. Whenever a law is signed by the Governor, official notice shall be forwarded, in writing, to the Superintendent of State Printing of the fact. Upon the receipt of said official notice, the Superintendent of State Printing shall cause to be printed, for the use of the Legislature, two hundred and forty copies of said law, joint or concurrent resolution, to be distributed, one-third to the Senate and two-thirds to the Assembly, the Sergeant-at-Arms of the respective houses to receipt to the Superintendent of State Printing for the same, whose receipt shall be a proper voucher for the work.

#### Number Printed—Spanish and English.

He shall also cause to be printed the requisite number of sheets to make the number of copies of the statutes required by law to be printed, the one composition of type to answer the purpose of printing the three-editions; and of such laws, resolutions, and memorials as may be designated by the Legislature, two hundred and forty copies in Spanish. Of the journals and appendices of the Senate and Assembly there must be printed seven hundred and fifty copies, in one volume or more, as may be required by the size thereof.

#### Indexing and Binding.

The Superintendent of State Printing shall have the laws, journals of Senate and Assembly, and the appendices thereto, properly indexed and bound, the laws in full law sheep binding, and journals and appendices in half law sheep binding, marble sides, and deliver the same to the Secretary of State for distribution as soon as practicable after the final adjournment of the Legislature, and the receipt of the Secretary of State shall be his voucher therefor. (*Political Code*, sec. 528.)

#### SEC. 485.

#### MANNER OF PRINTING.

Printing must be done as follows: The laws, journals, messages, and other documents in book form, must be printed solid, with long primer type, on good white paper; each page, except of the laws, must be thirty-three ems wide and fifty-eight ems long, including title, blank line under it, and foot line; of the laws the same length, and twenty-nine ems wide, exclusive of marginal notes, which notes must be printed in nonpareil type, seven ems wide. Figure work, and rule and figure work in messages, reports, and other documents in book form, must be on pages corresponding in size with the journals, if it can be brought in by using type not smaller than minion; if not, it must be executed in a form to fold and bind with the volume. Blanks must be printed in such form, and on such paper, and with such sized type as the officers ordering them may direct.

**Printing the Laws.**

The laws must be printed without chapter headings, and without blank lines, with the exception of one head line, one foot line, two lines between the last section of an act and the title of the next act. When there is not space enough between the last section of an act to print the title and enacting clause, and one line of the following act upon the same page, such title may be printed upon the following page.

The journals must be printed without blank lines, with the exception of one head line, one foot line, and two lines between the journal of one day and that of the following day. In printing the words ayes and noes, the word "ayes" and the word "noes" must be run in with the names. (*Political Code, sec. 529.*)

**SEC. 486.****SPECIFIC DUTIES OF.**

The duties of the Superintendent of State Printing shall be as follows: He shall have the entire charge and superintendence of the State printing and binding. He shall take charge of and be responsible on his bond for all manuscripts and other matter which may be placed in his hands to be printed, bound, engraved or lithographed, and shall cause the same to be promptly executed. He shall receive from the Senate or Assembly all matter ordered by either house to be printed and bound, or either printed or bound, and shall keep a record of the same, and of the order in which it may be received; and when the work shall have been executed, he shall deliver the finished sheets or volumes to the Sergeant-at-Arms of the Senate or Assembly, or of any department authorized to receive them, whose receipt therefor shall be a sufficient voucher to the said Superintendent of State Printing for their delivery. He shall receive and promptly execute all orders for printing or binding required to be done for the various State officers.

**Discretionary Authority.**

Provided that the said Superintendent of State Printing shall have discretionary authority to revise, reduce or decline to execute any order, or part of any order, which in his judgment is unnecessary or unwarranted by law, and which will tend to unnecessarily consume the appropriation for support of the State printing office; *and provided, further,* that in the event that any state officer, board, commission, or state institution shall consider the decision of the said Superintendent of State Printing unfair, he may refer the matter to the State Board of Examiners (succeeded by Board of Control) which board shall determine the matter. He shall employ such compositors, pressmen, and assistants as the exigency of the work from time to time requires, and may at any time discharge such employees. \* \* \* (*Political Code, sec. 531.*)

**SEC. 487.****EACH HOUSE TO KEEP A JOURNAL.**

Each house shall keep a journal of its proceedings, and publish the same, and the yeas and nays of the members of either house, on any

question, shall at the desire of any three members present, be entered on the journal. (*Constitution, art. IV, sec. 10.*)

**SEC. 488.****DAILY JOURNAL OF EACH HOUSE TO BE PRINTED.**

A sufficient number of copies of each day's proceedings of each house of the Legislature shall be printed by the State Printer in book form separately, to supply the members of both houses and chief officers daily during the session with the Journal of the previous day's proceedings; and also a sufficient number of copies, with proper re-paging, to bind at the end of the session of the Legislature, in book form, as the journals of the Senate and Assembly; one copy of which daily journal of each house, upon the approval thereof by the house of which it is such daily journal, shall be authenticated as so approved by the presiding officer and Chief Clerk or Secretary (as the case may be) of the house so approving it; and upon the final adjournment of the Legislature, such copy of the daily journal of each house for the entire session, so authenticated, shall be properly bound in separate volumes and deposited in the office of the Secretary of State as the official journals of both houses of the Legislature. (*Political Code, sec. 256.*)

**SEC. 489.****PRINTING OF THE DAILY JOURNAL.**

The State Printer shall print one thousand copies of the Journal of each day's proceedings of each House; at the end of the session he shall also print a sufficient number of copies, properly paged after being corrected and indexed by the Secretary of the Senate and Chief Clerk of the Assembly, to bind in book form as the Journal of the respective Houses of the Legislature as required by law.

**SEC. 490.****WHAT SHALL BE PRINTED IN THE JOURNAL.**

The following shall always be printed in the Journal of each House:

(a) Messages from the Governor and messages from the other House, and the titles of all bills, and the titles and text of joint and concurrent resolutions and constitutional amendments when introduced in, or offered to, or acted upon by the House; provided, that in the case of a concurrent resolution approving the adoption of a charter or charter amendments of any kind, the text of such charter or charter amendments need not be printed in the Journal.

(b) Every vote taken in the House, and a statement of the contents of each petition, memorial, or paper presented to the House.

(c) A true and accurate account of the proceedings of the House, when not acting as a committee of the whole. (*Joint Rule No. 19.*)

**SEC. 491.****SENATE JOURNAL PROVISIONS.**

N. B.—The following Senate provisions as to what shall be printed in the Journal have been superseded by the Joint Rule in the preceding section.

Messages from the Governor (other than biennial messages and

inaugural addresses), joint and concurrent resolutions and constitutional amendments, when adopted, and the titles of all bills, joint and concurrent resolutions, and constitutional amendments, when acted upon by the Senate shall be printed in the Journal in full. (*Senate Rule No. 67.*) 65

Every vote and a brief statement of the contents of each petition, memorial, or paper presented to the Senate shall be entered in the Journal. (*Senate Rule No. 68.*) 64

The titles of all bills, joint and concurrent resolutions, and constitutional amendments introduced shall be printed in the Journal. (*Senate Rule No. 69.*) 63

**SEC. 492.**

**ELECTIONS BY LEGISLATURE TO BE VIVA VOCE.**

In all elections by the Legislature the members thereof shall vote *viva voce*, and the votes shall be entered in the Journal. (*Constitution, art. IV, sec. 28.*)

**SEC. 493.**

**COMMITTEE ON REVISION AND PRINTING.**

Unless otherwise ordered by the House in which the bill was introduced, all bills before being printed shall be immediately sent to the Committee on Revision and Printing, which shall examine the bills with the aid of the Legislative Counsel Bureau. The Committee, by and with the written assent of the author filed with it, shall have authority to correct any clerical error such as in orthography, adding or correcting the enacting clause, mistakes in numbering sections and references thereto, errors in grammar, phraseology, or in the form of the bill; *provided*, that no bill which bears the stamp of the Legislative Counsel Bureau showing that before introduction it has been examined as to form, shall be sent to the Committee on Revision and Printing. (*Joint Rule No. 10.*)

**SEC. 494.**

**MANNER OF PRINTING BILLS, ETC.**

The State Printer shall observe the following directions in printing all bills, constitutional amendments, joint and concurrent resolutions:

(a) The body of such bills and resolutions shall be printed in solid unspaced form so that the same type shall be used both before and after enrollment.

(b) All titles of bills, resolutions, etc., shall be set in italics, statute form, and the length of the lines used in the bills shall not exceed that of the body of the bill.

(c) The lines of all printed bills shall be numbered by page and not by sections, and amendments shall be identified by reference to title, page and line only.

(d) Enrolled bills may be enclosed in stock cover.

**SEC. 495.****REPORTS OF COMMITTEE ON REVISION.**

The Committee on Revision and Printing shall return to the Secretary of the Senate or Clerk of the Assembly all bills in the order in which they were sent to it, but shall not retain any bill for longer than three legislative days, unless otherwise ordered. (*Joint Rule No. 12.*)

**SEC. 496.****PRINTING OF AMENDMENTS.**

All bills amended by either House shall be immediately reprinted in the case new matter is added by the amendments, such new matter shall be enclosed in heavy brackets in the printed bill, and in the case of matter being omitted, the omission shall be indicated by heavy parentheses, said brackets and parentheses to be of a different character from those provided for in Joint Rule 9. When a bill is amended in either House, the first or previous markings, except those showing change from former law shall be omitted. When a bill amendatory of a code section is engrossed, all figures or symbols shall be removed, and all parentheses or brackets shall be removed except those necessary to be retained to show the difference between the engrossed bill and the existing code section. (*Joint Rule No. 15.*)

All bills amended, either in committee or on the floor of the House, shall be immediately reprinted; the new matter added by any amendments to be enclosed in heavy brackets, and the omission of any matter to be indicated by the insertion of heavy parentheses. (*Senate Rule No. 70. Assembly Rule No. 75.*)

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**SEC. 497.****DISTRIBUTION OF BILLS DURING CONSTITUTIONAL RECESS.**

All requests for mailing or distribution by the members shall be filed with the Secretary of the Senate or Chief Clerk of the Assembly not later than the end of the second week of the first part of the session, the same to be immediately referred to the Committees on Revision and Printing; this list shall be compiled, with the elimination of duplication, as a general public mailing list. The distribution of bills, constitutional amendments, joint and concurrent resolutions shall be systematized as follows: Members' desks and legislative officers' files, 150 full sets; members' individual selection, 5 full sets each; to authors, 50 copies of their own bills; accredited newspaper representatives, 25; to public and law libraries, newspapers, county officials, and other civic, commercial, fraternal or industrial organizations as the joint printing committees may compile from the recommendations of the members of both Houses, 1500 copies; to state officers, State Library and Secretary of State, 200 copies; to legislative committees, bill room files and public requests—confined to single copies of bills designated, 1000 copies. The State Printer shall cause to be printed in the standard form adopted by the Senate and the Assembly as many copies of all bills, constitutional amend-

ments and joint or concurrent resolutions as may be necessary to conform to the provisions of this rule.

A similar number and distribution shall be made of the Semi-Final History and Final Calendar. (*Joint Rule No. 16.*)

**SEC. 498.**

**DISTRIBUTION OF BILLS AFTER CONSTITUTIONAL RECESS.**

Following the recess, new bills introduced shall be forwarded to the public libraries and law libraries only, and one copy each of amended bills as may be requested. Weekly Histories and Journals shall be distributed generally, following the recess, upon such schedule as the joint printing committees may designate. (*Joint Rule No. 17.*)

**SEC. 499.**

**SENATE AND ASSEMBLY DIRECTIONS TO PRINTER.**

The Senate and Assembly rules still contain the following directions to the Printer which have been superseded by the provisions of the Joint Rules contained in the two preceding sections:

Fifteen hundred copies of all bills shall be printed; and the Sergeant-at-Arms shall be required to certify to the reception by the Senate of all printed matter, and the quantity. One copy of each bill or paper printed by order of the Senate shall be delivered to each Senator at his desk, and the balance shall be distributed according to law. (*Senate Rule No. 41.*)

Seven hundred and fifty copies shall be printed of each document or other matter ordered, unless the Senate especially directs a different number. (*Senate Rule No. 72.*)

One thousand copies of all bills and as many additional copies as the House shall order, shall be printed. The Chief Clerk or Sergeant-at-Arms shall be required to certify to the receipt by the House of all such printed matter, and the quantity thereof. (*Assembly Rule No. 73.*)

A proposition to print an extra number of any document or other matter shall lie on the table one day for consideration, unless otherwise ordered by consent of the House. (*Assembly Rule No. 74.*)

Maps accompanying documents shall not be printed under the general order to print, without the special direction of the House. (*Assembly Rule No. 76.*)

**SEC. 500.**

**PRINTING OF THE DAILY FILE.**

A daily file of bills ready for consideration shall be printed each day for each House, and copies of the file of each House shall be

distributed each day to all the members of both Houses. (*Joint Rule No. 20.*)

**SEC. 502.****HISTORY OF BILLS, RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.**

Each house shall cause to be printed on Monday of each week, during the session, a complete history of all bills, joint or concurrent resolutions and constitutional amendments originating in, or acted upon by, the respective houses.

Such history shall show the action taken upon each measure up to and including the legislative day preceding its issuance. For each legislative day intervening there shall be printed a supplementary history showing the action taken upon any measure since the issuance of the complete history. A regular form shall be prescribed and no other form shall be used.

Immediately following the adjournment for the constitutional recess the History shall be compiled and printed to date of recess. (*Joint Rule No. 21.*)

**SEC. 503.****NUMBER OF COPIES TO BE PRINTED OF JOURNAL.**

The Superintendent of State Printing shall print one thousand copies of the Journal of each day's proceedings of the Senate, and one copy of the same shall be placed upon each Senator's desk, and a sufficient number sent to the Assembly to supply each Assemblyman with one copy; he shall also print a sufficient number of copies properly paged, to bind in book form as the Journal of the Senate, at the end of the session, as required by law. (*Senate Rule No. 78.*)

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**SEC. 504.****WHEN NOT IN COMMITTEE OF THE WHOLE, PROCEEDINGS MUST BE ENTERED IN THE JOURNAL.**

The proceedings of the Senate, when not acting as a Committee of the Whole, shall be entered in the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings. (*Senate Rule No. 74.*)

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**SEC. 505.****AUTHORITY FOR PRINTING ORDERS.**

The Superintendent of State Printing shall not print for use of either House any matter other than provided by law or by these rules, except upon a written order signed by the Secretary of the Senate or the Chief Clerk of the Assembly. The Secretary of the Senate and the Chief Clerk of the Assembly may also, when necessity requires it, order certain matter printed in advance of the regular order, by the issuance of a rush order. (*Joint Rule No. 22.*)

**SEC. 506.**

(Form.)

**MOTION.**

Senator<sup>1</sup> ..... moved that the Superintendent of State Printing be directed to print ..... hundred copies of the report submitted by the ..... to the Governor on ..... , 19...., for the use of the Senate<sup>2</sup>.

Motion carried, and such was the order.

**EXPLANATORY NOTE.**<sup>1</sup>Or Mr.<sup>2</sup>Or Assembly.**SEC. 507.**

(Form.)

**RUSH ORDER TO PRINTER.**

Senator<sup>1</sup> ..... moved that the Secretary be directed to issue a rush order for printing ..... Bill No. ....

Motion carried, and such was the order.

**EXPLANATORY NOTE.**<sup>1</sup>Or Mr.

## PART V. USE OF AND ADMISSION TO SENATE AND ASSEMBLY CHAMBERS.

**SEC. 508.****OPEN DOORS AND SECRET SESSIONS.**

The doors of each house shall be open, except on such occasions as, in the opinion of the house, may require secrecy. (*Constitution, art. IV, sec. 13.*)

**SEC. 509.****LOBBYING.**

No person engaged in presenting to the Assembly or its committees any business, or claim, or legislation, shall be permitted to engage in such business in the Assembly Chamber, or be permitted on the floor of the Assembly at any time while the Assembly is in session, unless seated beside a member upon his invitation; and any person transgressing this rule shall be removed from the floor of the Assembly and be debarred from the privilege of the floor during the remainder of the entire session. The Speaker is charged with the enforcement of this rule.

This rule can not be suspended except by a two-thirds vote of the entire Assembly. (*Assembly Rule No. 69.*)

**SEC. 510.****LOBBYING.**

No person engaged in presenting to the Senate or any of its committees any business, claim, or legislation, shall be permitted to engage

in such business in the Senate Chamber or be permitted on the floor of the Senate at any time while the Senate is in session. Any person transgressing this rule shall be removed from the floor of the Senate and shall be debarred from the privilege of the floor during the remainder of the entire session. The President and President pro tem. are charged with the enforcement of this rule, and this rule can not be suspended except by a two-thirds vote of the entire Senate. (*Senate Rule No. 76.*)

13

**SEC. 511.****PRESS RULES.**

A person desiring recognition by the Senate or Assembly as a newspaper correspondent shall make application in writing to the President of the Senate or Speaker of the Assembly.

(a) The applicant shall state in writing the name of the newspaper or newspapers he represents and that he is not engaged, and will not become engaged as a lobbyist for any person, copartnership, corporation or interest, and that he is not and will not become the agent or representative of any person, copartnership, organization or corporation in advocating or attempting to defeat any measure pending in either branch of the Legislature, that he is not employed in any executive, administrative or legislative department of the state government and will not become so employed while accepting the privileges of a press representative.

(b) It shall be the duty of the President of the Senate and the Speaker of the Assembly to assign one or more rooms for the exclusive use of correspondents during the legislative session, which room shall be known as the press room. The press room shall be under the control of the Superintendent of Capitol Building and Grounds; *provided*, that all rules and regulations shall be approved by the President of the Senate and Speaker of the Assembly. (*Joint Rule No. 45.*)

**SEC. 512.****PERSONS ADMITTED TO THE FLOOR.**

No persons except Senators, State officers, Governors and ex-Governors of States, members of Congress, Judges of the Supreme, Appellate and Superior Courts, ex-Senators and ex-Assemblymen, members of the press when accredited by their respective journals, attaches when actually engaged in work for the Assembly or a member thereof, and the wife or child of a member, shall be admitted within the Assembly Chamber, except in the gallery, during the sessions of the Assembly; *provided, however*, any other guest of any member may be admitted to the floor of the Assembly, but to no other part of the floor than to a seat at the desk of said member; *and provided, also*, that such admission of said guest shall be only by written permission of said member, countersigned by the Speaker, such permission being good only for the sessions of the day on which it is given, the names of such member and guest to be entered in the Journal when specifically requested by such member. At the convening of the Assembly in the morning, or after recess,

all present except those covered by this rule shall retire from the floor of the Assembly. No one except the Sergeant-at-Arms or his deputies shall be allowed to remain in the lobby behind the rail at any time. (*Assembly Rule No. 68.*)

**SEC. 513.**

**EXECUTIVE SESSION.**

When a motion is adopted to close the doors of the Senate, on the discussion of any business, which may, in the opinion of the Senate, require an executive session, the President shall require all persons, except the Senators, President of the Senate, Secretary, Minute Clerk and Sergeant-at-Arms to withdraw, and during the discussion of said business, the doors shall remain closed. Every Senator and officer present shall keep secret all matters and proceedings concerning which secrecy shall be enjoined by order of the Senate. (*Senate Rule No. 77. 49*)

**SEC. 514.**

**SMOKING IN CHAMBER.**

No smoking shall be allowed within the chamber of either house while in session. (*Senate Rule No. 63. Assembly Rule No. 71.*)

*75*

**SEC. 515.**

**USE OF ASSEMBLY CHAMBER.**

The Assembly Room shall not be used for any public or private business other than legislative, except by consent of a majority of the House. (*Assembly Rule No. 72.*)

**SEC. 516.**

(Form.)

**APPOINTMENT OF PRESS REPRESENTATIVES.**

The President<sup>1</sup> announced that he had approved the application of the following press representatives and had assigned them seats on the floor:—

**EXPLANATORY NOTE.**

<sup>1</sup>Or Speaker.

**SEC. 517.**

(Form.)

**PRIVILEGE OF FLOOR OF SENATE EXTENDED.**

On request of Senator<sup>2</sup> ..... the privilege of the floor of the Senate<sup>1</sup> Chamber, for this day, was unanimously extended to ..... of .....<sup>3</sup>

**EXPLANATORY NOTE.**

<sup>1</sup>Or Assembly.

<sup>2</sup>Or Mr.

<sup>3</sup>Name of place of residence.

## SEC. 518.

(Form.)

## USE OF SENATE CHAMBER GRANTED.

Senator<sup>2</sup> ..... asked and was granted unanimous consent for the use of the Senate<sup>1</sup> Chamber for a public hearing on Bill No. .... by the Committee on ..., on ..., 19..., immediately after adjournment.

## EXPLANATORY NOTE.

<sup>1</sup>Or Assembly.<sup>2</sup>Or Mr.

## PART VI. ATTENDANCE, REMUNERATION, PRIVILEGES AND DUTIES OF MEMBERS.

## SEC. 519.

## PRIVILEGE OF MEMBERS.

Members of the Legislature shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest, and shall not be subject to any civil process during the session of the Legislature, or for fifteen days next before the commencement and after the termination of each session. (*Constitution, art. IV, sec. 11.*)

## SEC. 520.

## COMPENSATION OF MEMBERS OF LEGISLATURE.

## LEGISLATIVE EXPENSES LIMITED.

The members of the Legislature shall receive for their services the sum of one thousand dollars each for each regular session, to be paid at such times during the session as may be provided by law, and the sum of ten dollars each for each day while in attendance at a special or extraordinary session, for a number of days not exceeding thirty; and mileage to be fixed by law, all paid out of the state treasury; such mileage shall not exceed ten cents per mile; and each member shall be allowed contingent expenses not exceeding twenty-five dollars per member for each regular biennial session. The Legislature may also provide for additional help; but in no case shall the total expense for officers, employees and attaches exceed the sum of five hundred dollars per day for either house, at any regular or biennial session, nor the sum of two hundred dollars per day for either house at any special or extraordinary session, nor shall the pay of any officer, employee or attache be increased after he is elected or appointed. (*Constitution, art. IV, sec. 23.*)

## SEC. 521.

## PER DIEM AND MILEAGE OF MEMBERS OF LEGISLATURE.

Members of the Legislature shall receive the sum of one thousand dollars as compensation for services during each regular session, payable as follows: Ten dollars per day payable weekly during such regular session until one thousand dollars is paid. In the event of final adjournment before the said one thousand dollars is paid, then the

balance shall be immediately payable. For each special or extraordinary session they shall receive ten dollars per day for a term not exceeding thirty days, payable weekly. Members shall receive for each regular, special or extraordinary session ten cents per mile for each mile of travel to and from their residences and the place of holding the session. (*Political Code*, sec. 266.)

**SEC. 522.****ATTENDANCE, DUTIES AND OBLIGATIONS OF SENATORS.**

No Senator shall absent himself from attendance upon the Senate without leave first obtained. A less number than a quorum of the Senate is hereby authorized to send the Sergeant-at-Arms, or any other person, for any and all absent Senators at the expense of such absent Senators, respectively, unless such excuse for non-attendance as shall be made to the Senate, when a quorum is convened, shall be judged sufficient, and in that case the expense shall be paid out of the contingent fund of the Senate; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or Acting President of the Senate, or less than a quorum present, shall have the power to issue process directed to the Sergeant-at-Arms, or to any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process, unless sick or unable to attend, shall be deemed guilty of contempt of the Senate, and the Sergeant-at-Arms, or any other person, to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county, or of any county in the State. (*Senate Rule No. 76*)

**SEC. 523.****MEMBERS ABSENTING THEMSELVES.**

No member shall absent himself from attendance at a session of the House without the leave of the House, and no member shall obtain leave of absence, or be excused without a vote of two-thirds of the House, or by unanimous consent. (*Assembly Rule No. 82.*)

**SEC. 523½.****RIGHT TO ADDRESS ASSEMBLY.**

No one except a member of the Assembly shall be permitted to address the Assembly except in Committee of the Whole. (*Assembly Rule No. 80.*)

**PART VII. ORDER OF BUSINESS.****SEC. 524.****SENATE ORDER OF BUSINESS.**

Order of business:

1. Roll Call.
2. Prayer by the Chaplain.

3. Reading and Approval of the Journal of the Preceding Day.
4. Presentation of Petitions.
5. Messages from the Assembly.
6. Messages from the Governor.
7. Reports of Standing Committees.
8. Reports of Select Committees.
9. Motions, Resolutions, and Notices.
10. Introduction and First Reading of Bills.
11. Consideration of Daily File.
12. Unfinished Business.
13. Special Order of the Day.

Reports from the Committee on Engrossment and Enrollment shall at all times be in order; *provided*, that messages from State officers, other than the Governor, and from the Assembly, may, on motion of any Senator, be considered at any time. (*Senate Rule No. 80.*)

**SEC. 525.**

**ASSEMBLY ORDER OF BUSINESS.**

Order of business:

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and approval of the Journal.
4. Presentation of Petitions.
5. Reports of Standing Committees.
6. Reports of Select Committees.
7. Messages from the Governor.
8. Messages from the Senate.
9. Introduction and Reference of Bills.
10. Motions and Resolutions.
11. Special Orders of the Day.
12. Unfinished Business of the Preceding Day.
13. Business on Special File.
14. Business on General File and Third Reading of Bills.
15. Announcements of Committee Meetings.
16. Adjournment.

It shall be in order for the Committee on Engrossment and Enrollment to report at any time.

Messages from the Governor and from the Senate may be considered at any time by vote of the House or by unanimous consent. (*Assembly Rules 3, 20 and 65.*)

**SEC. 526.**

(Form.)

**MOTION.**

Senator<sup>1</sup> ..... moved that the Senate<sup>2</sup> do now proceed with the regular order of business.

Motion carried, and such was the order.

**EXPLANATORY NOTE.**

<sup>1</sup>Or. Mr.

<sup>2</sup>Or Assembly.

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#### **SUSPENDING AND CHANGING ASSEMBLY RULES.**

No standing rule or order of the House shall be rescinded or changed without a vote of two-thirds of the members of the Assembly, and one day's notice being given of the motion therefor; *provided*, that the Committee on Rules may at any time, except during a roll call, report a temporary rule providing for the consideration of any bill on the files of the House belonging to either of the following classes:

1. Bills affecting the state government, its revenue, its various departments or commissions, or appropriations therefor.
2. Bills affecting county and township governments, or roads and highways.
3. Bills affecting town, city, city and county governments, or the municipal affairs of the same.
4. Bills amending election or primary election laws.
5. Constitutional amendments.
6. Bills amending or repealing the codes, or sections thereof.

Such temporary rule shall provide when a bill so selected shall be taken up for consideration, and the time when final vote shall be taken thereon and pending amendments thereto, if there be any.

It shall always be in order to call up for consideration such report. The same shall be subject to amendments by the House.

On the adoption of such temporary rule by the House by a two-thirds vote thereof, if the bill be on third reading, and by a majority vote of the members elected to the House, if otherwise, such bill shall thereupon be made the special order for the time fixed therein.

A rule of order may be suspended temporarily by a vote of two-thirds of the members present, except that portion of Rule 43 and that portion of Rule 30 relating to third reading of bills. A motion or resolution proposing to increase or diminish a standing committee shall not be adopted until the same has been referred to the Committee on Rules.

3. Reading and Approval of the Journal of the Preceding Day.
4. Presentation of Petitions.
5. Messages from the Governor.
6. Messages from the Assembly.
7. Reports of Standing Committees.
8. Reports of Select Committees.
9. Motions, Resolutions, and Notices.
10. Introduction and First Reading of Bills.
11. Consideration of Daily File.
12. Unfinished Business.
13. Special Order of the Day.
14. Announcement of Committee Meetings.
15. Adjournment.

Reports from the Committee on Engrossment and Enrollment shall at all times be in order; *provided*, that messages from State officers, other than the Governor, and from the Assembly, may, on motion of any Senator, be considered at any time. (*Senate Rule No. 3.*)

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and approval of the Journal.
4. Presentation of Petitions.
5. Reports of Standing Committees.
6. Reports of Select Committees.
7. Messages from the Governor.
8. Messages from the Senate.
9. Introduction and Reference of Bills.
10. Motions and Resolutions.
11. Special Orders of the Day.
12. Unfinished Business of the Preceding Day.
13. Business on Special File.
14. Business on General File and Third Reading of Bills.
15. Announcements of Committee Meetings.
16. Adjournment.

It shall be in order for the Committee on Engrossment and Enrollment to report at any time.

Messages from the Governor and from the Senate may be considered at any time by vote of the House or by unanimous consent. (*Assembly Rules 3, 20 and 65.*)

#### **SEC. 526.**

(Form.)

#### **MOTION.**

Senator<sup>1</sup> ..... moved that the Senate<sup>2</sup> do now proceed with the regular order of business.

Motion carried, and such was the order.

#### **EXPLANATORY NOTE.**

<sup>1</sup>Or. Mr.

<sup>2</sup>Or Assembly.

Day.

**PART VIII. CHANGING AND SUSPENDING THE RULES****SEC. 527.****DISPENSING WITH JOINT RULES.**

No joint rule shall be dispensed with except by vote of two-thirds of each House; and Joint Rules 27 and 35 can be dispensed with only in the manner provided for in said joint rules. If either House shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and it shall be decided that the joint rules have been violated, the bill involving such violation shall be returned to the house in which it originated, without further action. Or, at the option of such house, the President or Speaker may direct the Secretary or Chief Clerk to mark the section or sections in conflict with the rules as nonconcurring or negatived. (*Joint Rule No. 48.*)

**SEC. 528.****SUSPENDING AND CHANGING ASSEMBLY RULES.**

No standing rule or order of the House shall be rescinded or changed without a vote of two-thirds of the members of the Assembly, and on day's notice being given of the motion therefor; *provided*, that the Committee on Rules may at any time, except during a roll call, report a temporary rule providing for the consideration of any bill on the files of the House belonging to either of the following classes:

1. Bills affecting the state government, its revenue, its various departments or commissions, or appropriations therefor.
2. Bills affecting county and township governments, or roads and highways.
3. Bills affecting town, city, city and county governments, or the municipal affairs of the same.
4. Bills amending election or primary election laws.
5. Constitutional amendments.
6. Bills amending or repealing the codes, or sections thereof.

Such temporary rule shall provide when a bill so selected shall be taken up for consideration, and the time when final vote shall be taken thereon and pending amendments thereto, if there be any.

It shall always be in order to call up for consideration such reported bills. The same shall be subject to amendments by the House.

On the adoption of such temporary rule by the House by a two-thirds vote thereof, if the bill be on third reading, and by a majority vote of the members elected to the House, if otherwise, such bill shall thereupon be made the special order for the time fixed therein.

A rule of order may be suspended temporarily by a vote of two-thirds of the members present, except that portion of Rule 43 as to that portion of Rule 30 relating to third reading of bills. A motion or resolution proposing to increase or diminish a standing committee shall not be adopted until the same has been referred to the Committee on Rules.

The Committee on Rules may also, at any time, report a temporary rule or regulation. When such temporary rule or regulation shall have been adopted by a two-thirds vote of the House it shall have the effect, for the time being, of a standing rule, and if such temporary rule shall be in conflict with a standing rule it shall supersede said standing rule for the time being, and shall be enforced by the Speaker. (*Assembly Rule No. 86.*)

**SEC. 529.****SUSPENDING OR CHANGING SENATE RULES.**

No standing rules or order of the Senate shall be rescinded or changed without a vote of two-thirds of the entire Senate, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two-thirds of the members of the Senate, except Rule 30 and that portion of Rule 21, relating to the order of enrolling bills. All proposed amendments to these rules shall, upon presentation, be referred to the Committee on Rules without debate. (*Senate Rule No. 78.*)

**SEC. 530.**

N. B.—For other Forms for Suspension of Rules, see Sections 171½, 237, 239½, 249, 274, and 276.

(Form.)

**SUSPENSION OF RULES.**

Senator<sup>1</sup> ..... asked for and was granted unanimous consent that the rules be suspended for the consideration at this time of the foregoing resolution<sup>4</sup> without reference to committee.<sup>2</sup>

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote: Senator<sup>3</sup>, etc.

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**EXPLANATORY NOTE.**<sup>1</sup>Or. Mr.<sup>2</sup>If a matter of contingent expense add, "on contingent expenses."<sup>3</sup>Or Messrs.<sup>4</sup>Or bill.

## PART IX. PENALTIES FOR INTERFERING WITH THE WORK OF THE LEGISLATURE.

**SEC. 531.****PREVENTING THE MEETING OR ORGANIZATION OF EITHER BRANCH OF THE LEGISLATURE.**

Every person who wilfully, and by force or fraud, prevents the Legislature of this State, or either of the houses composing it, or any of the members thereof, from meeting or organizing, is guilty of felony. (*Penal Code, sec. 81.*)

**SEC. 532.****DISTURBING THE LEGISLATURE WHILE IN SESSION.**

Every person who wilfully disturbs the Legislature of the State, or either of the houses composing it, while in session, or who commits any disorderly conduct in the immediate view and presence of either house, tending to interrupt its proceedings or impair the respect due to its authority, is guilty of a misdemeanor. (*Penal Code, sec. 82.*)

**SEC. 533.****ALTERING DRAFT OF BILL OR RESOLUTION.**

Every person who fraudulently alters the draft of any bill or resolution which has been presented to either of the houses composing the Legislature, to be passed or adopted, with intent to (1) procure it to be passed or adopted by either house, or (2) certified by the presiding officer of either house, in language different from that intended by such house is guilty of felony. (*Penal Code, sec. 83.*)

**SEC. 534.****ALTERING ENROLLED COPY OF BILL OR RESOLUTION.**

Every person who fraudulently alters the enrolled copy of any bill or resolution which has been passed or adopted by the Legislature of this State, with the intent to (1) procure it to be approved by the Governor, or (2) certified by the Secretary of State, or printed or published by the printer of the Statutes, in language different from that in which it was passed or adopted by the Legislature, is guilty of felony. (*Penal Code, sec. 84.*)

**SEC. 535.****GIVING OR OFFERING BRIBES TO MEMBERS OF THE LEGISLATURE.**

Every person who gives or offers to give a bribe (1) to any member of the Legislature, or (2) to another person for him, or (3) attempts by menace, deceit, suppression of truth, or any corrupt means, to influence a member in (a) giving or withholding his vote, or (b) in not attending the house or any committee of which he is a member, is punishable by imprisonment in the state prison not less than one nor more than ten years. (*Penal Code, sec. 85.*)

**SEC. 536.****RECEIVING BRIBES BY MEMBERS OF THE LEGISLATURE.**

Every member of either of the houses composing the Legislature of this State who (1) asks, receives, or agrees to receive any bribe upon any understanding that his official vote, opinion, judgment, or action shall be influenced thereby, or shall be given in any particular manner, or upon any particular side of any question or matter upon which he may be required to act in his official capacity, or (2) gives, or offers, or promises to give any official vote in consideration that another member of the Legislature shall give any such vote; either upon

the same or another question, is punishable by (a) imprisonment in the state prison not less than one nor more than fourteen years, and upon conviction thereof shall, (b) in addition to said punishment, forfeit his office, be disfranchised, and forever disqualified from holding any office or public trust. (*Penal Code, sec. 86.*)

**SEC. 537.****WITNESSES REFUSING TO ATTEND, TESTIFY, OR PRODUCE PAPERS  
BEFORE THE LEGISLATURE OR COMMITTEES THEREOF.**

Every person who, being summoned to attend as witness before either house of the Legislature or any committee thereof, refuses or neglects, without lawful excuse, (1) to attend pursuant to such summons; and every person who, being present before either house of the Legislature or any committee thereof, wilfully (2) refuses to be sworn or to answer any material and proper question, or (3) to produce, upon reasonable notice, any material and proper books, papers, or documents in his possession or under his control, is guilty of a misdemeanor. (*Penal Code, sec. 87.*)

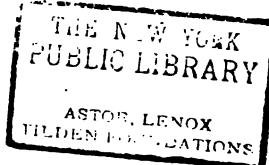
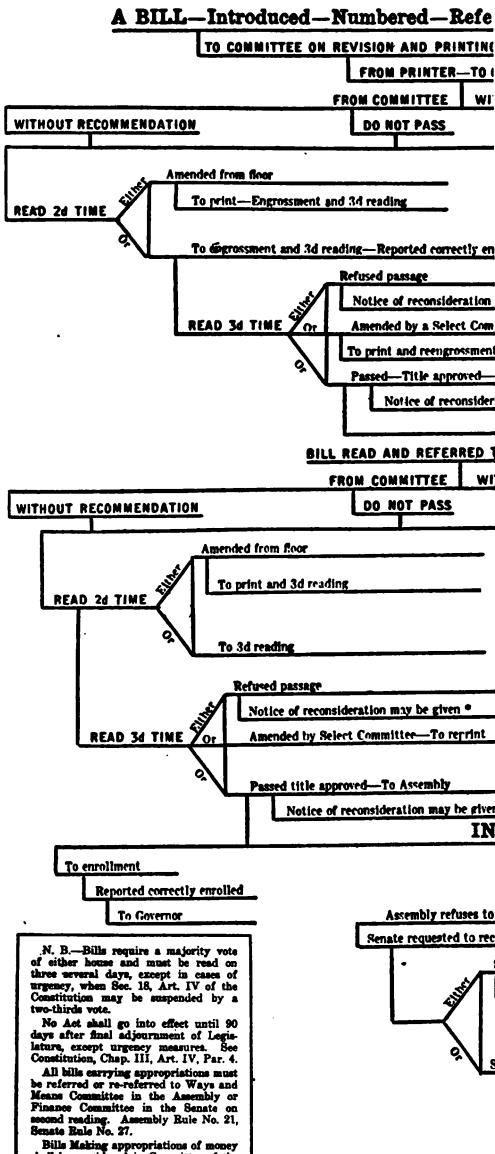
**SEC. 538.****MEMBERS OF THE LEGISLATURE, IN ADDITION TO OTHER PENALTIES,  
TO FORFEIT OFFICE AND BE DISQUALIFIED, ETC.**

Every member of the Legislature convicted of any crime defined in this chapter, in addition to the punishment prescribed, forfeits his office and is forever disqualified from holding any office in this State. (*Penal Code, sec. 88.*)

**SEC. 539.****LOBBYING DEFINED—PUNISHMENT FOR.**

Any person who seeks to influence the vote of a member of the Legislature by bribery, promise of reward, intimidation, or any other dishonest means, shall be guilty of lobbying, which is hereby declared a felony; and it shall be the duty of the Legislature to provide, by law, for the punishment of this crime. Any member of the Legislature who shall be influenced in his vote or action upon any matter pending before the Legislature by any reward, or promise of future reward, shall be deemed guilty of a felony, and upon conviction thereof, in addition to such punishment as may be provided by law, shall be disfranchised and forever disqualified from holding any office or public trust. Any person may be compelled to testify in any lawful investigation or judicial proceedings against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or with having been influenced in his vote or action, as a member of the Legislature, by reward, or promise of future reward, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterward be used against him in any judicial proceeding, except for perjury in giving such testimony. (*Constitution, art. IV, sec. 35.*)

## Chart—Showing Possible Mov Assembly to Governor (sa)



**NOTE:** If Free Conference Committee fails to agree, or if report is refused adoption by either house, the conferees may be discharged and other conferees appointed.—Joint Rule No. 42.

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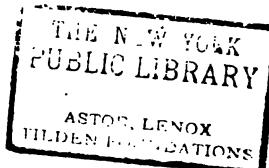
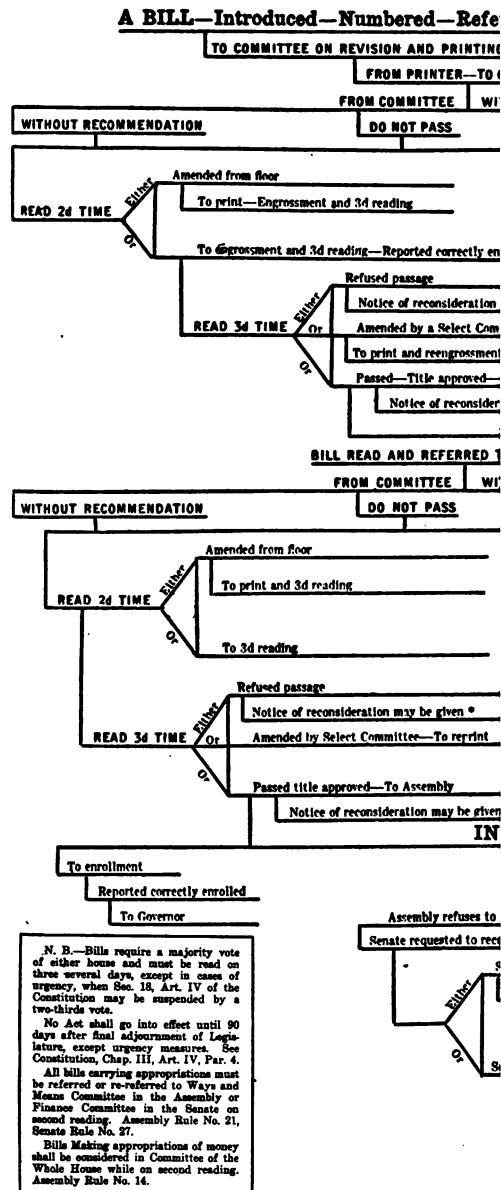
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## Chart—Showing Possible Mov Assembly to Governor (sa)



**NOTE:** If Free Conference Committee fails to agree, or if report is refused adoption by either house, the conference may be discharged and other conferees appointed.—Joint Rule No. 42.

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**SEC. 540.****LOBBYING, AND PENALTY FOR.**

Every person who obtains, or seeks to obtain money or other thing of value from another person, upon a pretense, claim, or representation that he can or will improperly influence in any manner the action of any member of a legislative body in regard to any vote or legislative matter, is guilty of a felony. Upon the trial no person otherwise competent as a witness shall be excused from testifying as such concerning the offense charged, on the grounds that such testimony may criminate himself, or subject him to public infamy, but such testimony shall not afterwards be used against him in any judicial proceeding except for perjury in giving such testimony. (*Penal Code, sec. 89.*)

**APPENDIX II.**  
**FOR USE OF PRESIDING OFFICERS.**

N. B.—This appendix was arranged for the use of the presiding officers of the Senate, but can be used in the Assembly by substitution of Assembly for Senate, and vice versa, wherever these words occur.

**THE CONSIDERATION OF THE DAILY FILE.**

**PART I. THE THIRD-READING FILE—SENATE BILLS.**

**Sec. 541.**

The presiding officer (when this stage of the legislative proceedings is reached) announces to the Senate, "The consideration of the Third-Reading File."

The President announces:

"No. 1 on file—(a) Senate Bill No. —, Senator \_\_\_\_\_, author, committee recommends that it 'do pass.' Question is, 'Shall bill be read third time? There being no objections, the Secretary will read.' (Secretary then reads.) (b) The question is on the final passage of Senate Bill No. 275 (or adoption of constitutional amendment, joint resolution or concurrent resolution, as the case may be). The Secretary will call the roll."

After the roll call by the Secretary, he hands the President the roll call and orally states to him what the vote is—so many ayes and so many noes.

(c) The President then announces to the Senate, ayes (28); noes (6). The bill is passed; then he says. "Are there any amendments to the title? If not, title stands approved and bill will be transmitted to the Assembly."

In the event that amendments are necessary other than to the title, they can only be made by one proceeding, namely, that of a reference to a Special Committee of One with instructions to amend as follows (stating the amendment submitted):

The question then by the presiding officer is, "Shall the bill be referred to a Special Committee of One with instructions to amend? Those in favor, aye; contrary, no."

(If reference is ordered the President announces "Senate Bill No. .... is referred to Senator ..... as a Special Committee to amend as directed.") Then follows the report of Special Committee, which has already been prepared. This brings us to the question of "Shall the report of the Special Committee of One be adopted?" After the vote taken, which *does not* require a roll call, bill is ordered printed as amended.

Continuing the consideration of the file, the President then announces:

The next is No. 2 on file—"Senate Concurrent Resolution No. —." The same language and proceedings as above in (a), (b) and (c), except use the word "adopted" instead of "passed."

**NOTE**—If there are not 21 votes in the affirmative, that is, voting aye on the bill, the President uses the following language: "The Senate refuses to pass Senate Bill No. ...."

No. 3 on file—Senate Bill No. (—)—Senator \_\_\_\_\_, author, committee recommends, ‘do pass’ (then follows the same language as given above). Immediately after the presiding officer has stated that the bill has passed, he says, “Are there any amendments to the title? Being none, the title stands approved. Bill will be transmitted to the Assembly.”

The question liable to arise on third reading:

**SEC. 542.**

*A Motion to Reconsider.* It may occur where a bill is contested and the vote is close, and may have passed or have been refused passage, that the losing side will desire another vote to be taken before the bill is finally disposed of. The Senator who has voted with the prevailing side (which may either be that side that had voted for the passage of the bill, *which received twenty-one or more votes*, or that side which opposed the bill that *did not receive the required twenty-one or more votes*) can give notice that on the next legislative day he will move for a reconsideration of the vote whereby the bill was passed (or was refused passage, as the case may be). This notice precludes the bill from being sent to the Assembly or otherwise disposed of, until the conclusion of the following day or that time during the following day when the reconsideration is made. In the event of a notice of a motion to reconsider not being taken up, the close of the legislative day places the bill in the same condition that it was before the notice was given on the preceding day, namely, that it shall be immediately transmitted to the other house.

## PART II. THE THIRD-READING FILE—ASSEMBLY BILLS.

**SEC. 543.**

Where Assembly bills have reached the stage of third reading, they are on the third-reading file, and are treated in exactly the same manner as a Senate bill is, but in the event of amendments having been made to the bill, the question on passage is, “Shall Assembly Bill No. ..... be passed as *amended* in Senate?” And the message is that the “Bill has been amended and passed as amended; and the Senate requests that the Assembly concur in said amendments.”

**SEC. 544.**

Presuming that the Assembly refused to concur in these amendments, it requests the Senate to recede therefrom. Should the Senate refuse to recede it notifies the Assembly of such refusal, and asks that a committee of conference be appointed to consult with a like committee appointed by the Senate. This Committee on Conference constitutes three members from each house. The bill is then given to this Committee on Conference, after the Assembly has been notified that the President has named the Senate Committee on Conference.

**SEC. 545.**

The Committee on Conference reports back to each house the result of its conclusions, in so far as the amendments are concerned, recommend-

ing either that the Senate recede or that the Assembly concur in the amendments. If no agreement can be reached, they report to that effect and ask that a Committee on Free Conference be named. This Committee on Free Conference consists of a like number as the Committee on Conference. Their consultation is of a like character to the Committee on Conference, but with the additional power of being permitted to propose further amendments. In the event of a disagreement on the part of the Committee on Free Conference, the committee so reports to their respective houses; the report can be accepted as final, or the committee may be discharged and other conferees appointed, but no member having previously served on the conference committee shall be appointed to consider the same bill. The same procedure may be had on any report made by a committee on Free Conference, but the report made is not subject to amendment in either house. In the event of no final agreement on a bill through Free Conference, the bill ends its existence. The joint rules of the forty-first session of the California Legislature require an affirmative vote of not less than four members of the committee to agree upon a report.

**SEC. 546.**

Should a compromise be effected by either the Committee on Conference or the Committee on Free Conference, they so report, and their report must be adopted; and after the bill is printed, if there are any changes in the bill as passed in the house of its origin, the house of origin orders it to enrollment.

### PART III. SECOND-READING FILE.

**SEC. 547.**

In their regular order the bills reach the *second-reading file* on the day subsequent to the day that they are reported from the committee to which they have been referred.

**SEC. 548.**

After giving the number of bill on file, the number of the bill, the author's name and recommendation of the committee, the President directs the Secretary to read the bill by sections. Secretary then reads section 1. On its conclusion, the President says, "Are there any amendments to section 1?" On conclusion of each section he uses the same language. If there are committee amendments attached to the bill, they are considered in their regular order and adopted or rejected, the announcement of which result is made after the consideration of each amendment. The President's last notice is, "Are there any amendments to the bill?" Following this, he says, "The bill (if amended 'shall be printed') is ordered engrossed to third reading."

**SEC. 549.**

The next number on the file is taken up in the same manner and the same language is used. In the event that at any time there is an objection made from the routine of the general order of business, it must be made on motion of the Senate; but the objection on the part of any one member gives the President no alternative but a roll call (if demanded

by three Senators), the question being on temporary suspension of rules. A temporary suspension requires twenty-seven votes and is only applicable to the question then under debate, or the subject under discussion, and can not be applied to any other or subsequent motion, resolution or act. If the roll is not in itself pertainable to the conditions, a notice must be given of one day on the part of some Senator to the effect that on the next legislative day he will move to change or rescind the rule affected.

## APPENDIX III

## HOW BILLS ARE PASSED BY THE LEGISLATURE.

Under the old regime of politics in California and elsewhere, the bulk of the actual work of legislation was done in the "dark". The general public had no way of knowing how bills were prepared or how the votes were determined. A great many people thought that the spectacular debates, when a bill came to its third reading, were the determining factors. Scarcely anyone but thought that these debates were of considerable importance. To those who were thoroughly informed, the debates are perhaps the least important feature connected with the passing of a bill through the Legislature. Judging legislation from the debates, really affords the same amount of satisfaction as looking at the animal cages of a circus when on parade, with the wooden sides concealing the actual contents of the cage.

The public is not particularly to blame for failing to understand legislation for the reason that very few members of the Legislature really understood it. The actual knowledge of all of the details was confined to a few individuals. Many of the attaches of the Legislature, under the old regime, had just one qualification for holding their positions. They had acquired a certain amount of knowledge of the mechanics of legislation, which could be acquired only by experience. A few of the older members, generally acting under the advice of these few attaches, directed the entire course of legislation, and it was only an extraordinary circumstance which permitted legislation to occur except with the sanction of these few leaders.

These leaders in the Legislature attempted to carry in their heads all of the law applicable to the work of the Legislature. This was the situation until the last session.

During my term as Minute Clerk in the Senate, my assistants caused me a great deal of annoyance by asking me the same routine questions over and over again. It occurred to me that a form sheet, which would contain the forms of all of the actions of the Senate as recorded in the Journal, would be of great assistance. This was prepared and suggested a rearrangement of the rules with regard to the logical sequence of legislation, and so the idea grew step by step until there was evolved a book of some two hundred pages, and the size of the page is about 50 per cent larger than in an ordinary book. It was this amount of matter that those directing the destinies of our Legislature had endeavored to retain mentally. It is no small wonder that gross errors were made when you shall have observed the complexity and the concise adjustment of the parts of the machinery of legislation.

*The Preparation of Bills.*

Bills do not happen nor are they produced to any great extent by the members who are nominally their authors. The great mass of an army of bills come singly and in battalions from constituents. Large numbers of bills come from organizations such as the California

Bar Association and the California Civic League. The offices of various State and county officers are the places of incubation of another very large number of bills. The number of bills both conceived and drafted by the members of the Legislature is almost inconsiderable.

One rather usual method of producing a bill is for a constituent to suggest the object which it is desired to accomplish, which suggestion is passed along to the Legislative Counsel Bureau, a State bureau organized and maintained for the purpose of providing expert service in the matter of bill drafting. The Counsel Bureau does not ordinarily draft bills at the request of individuals, unless there is some assurance that the bill will be introduced by a member. Consequently the simplest and most direct method of securing or enlisting the services of the Bureau, is for the constituent to make his request through a member.

When the bill has been prepared it is ready for introduction. To introduce a bill a member rises to his feet and addresses the presiding officer. When the member has secured the recognition of the presiding officer, a page who has meanwhile hurried to the member's desk, will run with the bill to the desk of the Secretary. The Secretary will number the bill and give it its first reading, by reading the title only, and, if it is a particularly long title, only enough will be read to indicate the kind of legislation which is sought by this bill to accomplish.

The presiding officer will then assign the bill to a committee. Sometimes the presiding officer asks for suggestions from the author of the bill as to which committee is preferred, but generally it is an arbitrary matter with the presiding officer. The bill next goes to the Committee on Revision and Printing. When a bill is prepared by the Legislative Counsel Bureau the work of the Committee on Revision and Printing is purely formal. In other bills this committee finds plenty to change.

In the case of bills being prepared without the assistance of the Counsel Bureau, it sometimes happens that a bill is so fundamentally wrong in theory that it cannot accomplish the object desired. Sometimes this is due to ignorance of the prevailing law, sometimes it is due to a lack of the fundamentals of bill drafting. Whenever a serious defect is discovered it is customary to call the matter to the attention of the author and give him every opportunity to correct the bill before it advances too far on its way. There are also many little errors of omission and commission which are discovered in the bills. Not infrequently there are such crude mistakes as grammatical errors. Minor errors are generally corrected as a matter of course. When in proper shape the bill is delivered to the printer. When returned from the printer it is ready to go to the committee to which it was assigned by the presiding officer at the time of introduction.

#### *Work of the Committees.*

In the committee room, rather than in the chamber of the Senate, or the Assembly, the real work of legislation is accomplished. Owing to the very large number of bills introduced the committees do not ordinarily consider all of the bills assigned to them. In fact it is

the prevailing practice to consider in committee only such bills as are placed on the committee calendar, at the request of the author of the bill or other persons interested. Bills which are not placed on the calendar by such request merely lie in committee and are reported out on the last day of the session without recommendation.

When a bill is considered by a committee it may be that it has been so skillfully drawn that there are no defects of construction and it might be that a majority of the committee are in sympathy with the objects sought to be accomplished, in which case the bill will be reported by the committee with the recommendation "do pass". If the committee is not in sympathy with the subject of the bill it will be reported "do not pass". This is generally equivalent to killing the bill and in most instances sponsors of bills prefer to see them die in committee than to bring them out with an unfavorable recommendation, merely to die on the floor of the House.

There is also another alternative for committee action. In the event that the committee believes in the purpose of the bill but cannot concur in the methods of accomplishing the object or in the arrangement or structure of the bill, it will propose amendments in which case the committee's recommendation will be that it "do pass as amended".

You must remember that the committees are presumptively composed of experts on the particular subject-matter of the committee. For instance, the Committee on Education will be composed of those members who have had the most experience in school matters, and, infrequently, there will be found on the Committee of Education men who have previously been engaged in the teaching profession or have been members of school boards or who are otherwise specially qualified. The Judiciary Committee is composed wholly of attorneys, and the Finance Committee is composed for the most part of successful business men. No man is assigned to any committee unless he expresses a special preference for that committee. Consequently all members are very much interested in the work of their respective committees, and when the recommendation of the committee comes to the floor of the House it receives almost the same reception as if it were actually and conclusively the report showing a body of experts on the bill.

It is quite true that in the "good old days" committees were selected with the express idea of having a majority to prevent certain legislation, and that a favorite trick at that time was to kill bills by vicious amendments. While this practice has not been entirely abandoned it is, nevertheless, extremely rare at the present time. And it may in truth be said that the action of the committees in general is sincere and that when the committee is genuinely opposed to the bill it will vote to send it out "do not pass".

#### *Second Reading.*

According to the procedure in our California Legislature, the second reading is the amendment stage. When the reports of committees come to the House, the bills in the order in which they are reported are ordered on the second reading file. When the bill has been read the second time the presiding officer asks the question "are there any

amendments?" If there are no amendments the bill is ordered directly to the third reading, and for such a bill the second reading stage is a purely formal one.

If there are amendments the presiding officer directs that the amendments shall be read. The amendments are read in full and voted upon individually. As a rule they are not opposed and are adopted by a *viva voce* vote. Occasionally a roll call is demanded and the vote must be taken by calling the roll when the demand is made by three members. After the committee amendments have been considered amendments are sometimes proposed from the floor.

This may be the result of some new development subsequent to the meeting of the committee which reported the bill, or it may be an attempt to oppose the report of the committee as to some detail. Attempts to amend from the floor, however, are seldom successful. When the bill has been amended it must be reprinted. When reprinted brackets indicate what matter has been omitted, and with *italics* what new matter has been inserted. When reprinted the bill is ready for engrossment and the third reading.

### *Third Reading.*

By the time the third reading has been reached every member has already made up his mind as to how he is to vote on the final passage of the bill unless the bill is a minor one. In the latter case he will almost always abide by the recommendation of the committee. It is seldom, indeed, that a member changes his mind during the course of the debate. The members have an opportunity to express their views before a large and dignified audience and those who feel the necessity of speaking are generally much relieved thereby. It also reads well in the papers at home and frequently is the vehicle for the advancement of the interests of party politics. Occasionally real light is thrown on an obscure or intricate subject during a debate.

When the debate has been concluded the fate of the bill is generally decided immediately. If the vote is favorable the bill goes directly to the other House, although it may be held up by a motion to reconsider. Reconsideration is useful only in those few instances, where the vote is very close.

### *After Passage in the House of Origin.*

After passage in the House of origin the bill goes to the other House in a message similar to a committee report. The message usually reads like this: Assembly Chamber, Sacramento.....  
Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, amended Senate Bill No. ...., an Act, etc., ..... etc.

Chief Clerk of the Assembly, by....., Assistant Clerk.

The reading of this message constitutes the first reading of the bill. When the message has been read the bills are immediately referred to the respective committees. Usually to a committee having the same scope of action as the committee to which the bill was referred in the House of origin. Subsequently the same procedure occurs. The investigation into the merits of the bill may be more or less rigid according to the circumstances of the case.

In some instances the House of origin will be more or less lax in its scrutiny of the bill with the justification that it will be more carefully scrutinized in the other House. It also occurs that the second House sometimes passes over a bill rather hastily on the theory that it has already been carefully investigated in the House of origin. The lack of uniformity in this regard often results in a minor bill being passed without much scrutiny or investigation of any kind. This is one of the real defects of our present system. In the event that a bill is passed by the second House without amendment its course is easy. In that case it is returned to the House of origin with a message stating the favorable action of the second House, whereupon it is immediately ordered to enrollment.

#### *Engrossment and Enrollment.*

Engrossment occurs after second reading, but on account of its relation to enrollment and the advantage of considering the two together I have deferred mentioning engrossment until this time. Engrossment consists of two things. There is both a formal record made of the bill and a rigid examination to secure typographical perfection. The record consists of the entry of the title of the bill in a very large ledger together with essential information regarding the progress of the bill. The bill is also proof read to the original copy, including the amendments, so that if enacted into law the bill will not be invalidated as the result of any typographical errors.

In order that the Legislature itself may be responsible for the accuracy of this work the Legislature hires its own corps of proof-readers, who are responsible for the accuracy of the printing. The work of this department is exceedingly exacting and requires the assignment to it of only the most reliable and efficient attaches in the employ of the Legislature. The bill is not ready for third reading until it has been reported correctly engrossed. When the bill is ordered to enrollment the same attention to detail is paid from a typographical point of view, for immediately when the order for enrollment is made the bill is reprinted upon parchment for the purpose of enrollment. The reprinting usually develops new typographical errors which can be checked only in enrollment.

When the bill is found to be typographically correct entries are made in another set of ledgers and the bills are formally presented to the Governor. Not until the Governor's private secretary has received for the enrolled bills can the report be made that the bill has been correctly enrolled, and not until the report that the bill has been enrolled is received is the work of the Legislature concluded with regard to the bill. Very frequently the Legislature will take its actual adjournment a day or so after the time set down in the record. This is due to the congestion of work in the closing hours of the session in the Department of Engrossment and Enrollment.\*

#### *Conferences.*

In the event that a bill is amended by the House other than that of its origin, the message carries the news of the passage in the second House, contains the additional information that the bill has been amended and respectfully requests the House of origin to concur

in the amendments. If the amendments are concurred in the process is simple and the bill is immediately ordered to enrollment. If the House of origin refuses to concur in the amendments the other House is notified of the refusal and is requested to recede from its amendments.

If the amendments are receded from, the course is the same as if there had been no amendments. In the event, however, of a refusal to recede from amendments a Conference Committee is appointed and the House of origin is also apprised of the action and requested to appoint a Conference Committee. The Conference Committee consists of three members from each House, one selected from the minority and two from the majority of the vote of the bill in question. It is necessary that four members of this committee agree in order to bring in a report. The Committee on Conference is limited to two recommendations, first that the House making the amendments recede or that the other House concur in the amendments.

In the event that the committee is unable to agree, or in the event that either House rejects the report of the committee, each House appoints a Committee on Free Conference, after the proper notices have been sent out.

The Committee on Free Conference is governed by the same rules as the Conference Committee except that the Free Conference Committee may propose amendments. These amendments may even go so far as to take the nature of the substitution of an entirely new bill. The report of the Committee on Free Conference is not, however, subject to amendment, and it must be accepted or rejected on a whole. In the event that it is accepted by both Houses the bill is ready for enrollment.

In the event that it is rejected by either House a new Committee on Free Conference may be appointed, but as a practicable proposition, if an agreement is not obtained as a result of the work of the first Committee on Free Conference the bill will fail. The practical reason for this, despite the theory as set down by the rule, is that bills very seldom reach the free conference stage until the close of the session. Members hesitate to serve upon successive Committees of Free Conference when to do so may jeopardize their own bills. The end of the session is a time when most every member has a large number of bills hanging in the balance, while willing to do a great deal to assist his fellow member, the members are naturally loath to waste any time, and it is generally conceded that serving on successive Committees on Free Conference is a futile undertaking.

#### *The Approval of the Governor.*

While the Legislature is in session the Governor may withhold his approval from a bill for a period of ten days from the time he receives it. If the Governor takes no action on the bill during the ten days it automatically becomes a law. If the Governor decides to reject the bill he must return it to the House of its origin with his objections thereto. When this message from the Governor is received the question will be put to the House, "Shall the bill become a law notwithstanding the objections of the Governor?" If the voice

shows less than a two-thirds majority in the affirmative the bill will have been refused passage. In the event that both Houses shall pass the bill over the Governor's veto it shall become a law notwithstanding the objections of the Governor.

*Deductions.*

It will be seen from the foregoing that the machinery of legislation is something that cannot be adequately controlled, directed or understood with a haphazard equipment. Proper participation in the work of legislation means the acquiring of an accurate knowledge of a very intricate subject. This knowledge may be acquired only by years of experience or by the careful application to such books of reference as are available plus some experience. In order to actively "lobby" for, or secure the passage of a bill on the part of someone not a member of the Legislature almost as much equipment and preparation is necessary as to be an active member. Even to follow closely the passage of a bill will require some study and some preparation.

I did not presume, in the course of this synopsis, to have given you all the information or equipment necessary for this work. I shall feel that I have accomplished a great deal if I succeed in impressing thoroughly upon you the necessity of a careful preparation of any serious work connected with the Legislature. To actually participate in the work of legislation is a job of sufficiently large proportion to merit the investment of the best that one has, both of time and ability. It is not something to be taken up for recreation or to fill in idle moments. Like things in general that are worth doing well, if at all, the work of the Legislature should command the best brains of the State and should mean the exclusion of most everything else while the Legislature is in session.

## APPENDIX IV

**THE A, B, C, OF LEGISLATION**

1. A "bill" is the copy of a proposed change in the statutes or general laws; a "joint resolution" deals with federal questions; a "concurrent resolution" pertains to legislative matters other than a law; and a "constitutional amendment" is a proposed change in the State Constitution, to be submitted to a referendum vote.

2. A bill, joint, or concurrent resolution, or a constitutional amendment, may be amended any number of times, dates of such adoption of amendments by either or both Houses showing above the printed title. An engrossed bill is one which has been compared and found identical with the original. An enrolled bill is the formal entry, after passing both Houses, when compared and found identical with the engrossed bill and ready for transmittal to the Governor.

3. The Weekly History is the record of bills introduced, and action thereon, issued the Monday after each week's session. The Supplemental History is the daily record issued each legislative day during the week, containing, independently, the actions during the current week, and afterwards to be combined with the following Weekly History. Each history issued supersedes all previous histories. The Journal, issued daily, is a continuous record or minutes of each House. The File is the list of bills reported from committees, and ready for second and final third reading.

4. Every member receives a complete set, revised daily, of the Senate and Assembly bills, etc., introduced or amended. When additional bills are desired, they can be secured by application to the Bill Filing Room. The Legislative Bill Filing Room is organized to keep the members' desk files revised daily; furnish the necessary number of copies of histories, files and journals; distribute such bills, etc., as may be ordered, and attend to the mailing ordered by both Houses.

5. Provisions have been made for an authorized mailing list. It is suggested that members carefully prepare such list early in the session, as provided by the rules, and not ask for excess distribution, always keeping in mind that such distribution is intended for public inspection points rather than for individual desires. (*See Joint Rule No. 16.*)

6. The Legislative Counsel Bureau was organized to assist the members in preparing their measures. Members will communicate their ideas or wishes, preferably before the session, when more time can be given. The Bureau will assist them in drawing up and arranging their bills, getting them into proper form, suggesting constitutional objections, if any, indicating changes from the existing law, and the like. Every bill introduced must show by underlining and parentheses the changes from the existing law. (*See Joint Rule No. 9.*) The stamped approval of the Legislative Counsel Bureau on a member's bill will expedite its printing and consideration.

7. Members should, as far as possible, have their bills prepared before the convening of the Legislature, and should introduce them as early as possible in the session, thus helping to prevent congestion in the printing office. Each member is advised to have at least two typewritten copies made of his bills, introducing the original and retaining the carbon duplicate. The newspaper representatives will often appreciate advance copies of bills which are of especial general interest.

8. There are certain established forms the observance of which is necessary to secure the validity of an act. For this reason it is suggested that all bills should be either prepared or approved by the Legislative Counsel Bureau before introduction.

*Title.* Care in the preparation of the title to a bill is of the utmost importance. By a constitutional provision "every act shall embrace but one subject, which subject shall be expressed in its title". All the details with which an act deals need not be expressed in the title, and general language only need be employed.

*Enacting clause.* Every law must contain the following enacting clause: "The people of the State of California do enact as follows:"

*Amendment.* A subdivision of a section cannot be amended by itself; the whole section must be re-enacted as amended.

*Repeal.* A statute cannot be amended by an act whose title enacts only a repeal. The repeal of a repealing act does not revive the original act without express words to that effect.

*Uniformity.* All laws of a general nature must operate uniformly upon all persons in the same category. Any classification that is made must be founded upon some natural, intrinsic and constitutional distinction.

*Local and special laws* cannot be passed in any of the cases enumerated in Section 25 of Article IV of the Constitution.

*Punctuation* should be used sparingly and with the utmost care.

*Errors.* Every bill amending an existing law should be most carefully read before introduction to obviate clerical errors, especially in copying such portions of the existing law as are not included in the amendment.

*Urgency measures.* Those acts which can take effect immediately upon approval by the Governor are carefully defined in Section 1 of Article IV of the Constitution, and only such acts should contain a clause providing for taking effect immediately.

9. The introduction of companion bills in both Houses is inadvisable, since it increases the printing expense without producing commensurate results. In case a Senator and an Assemblyman have bills to introduce on the same subjects, it is better to divide them up introducing half of them in the Senate and the other half in the Assembly. If for any special reason it seems necessary to introduce companion bills, one should first be introduced into one House, and the printed copy subsequently be introduced into the other House.

10. Before preparing or introducing their bills, members should read carefully the joint rules of the Senate and Assembly, especially that portion included under Rules 4, 5, 6, 7, 8, 9, 10 and 11.

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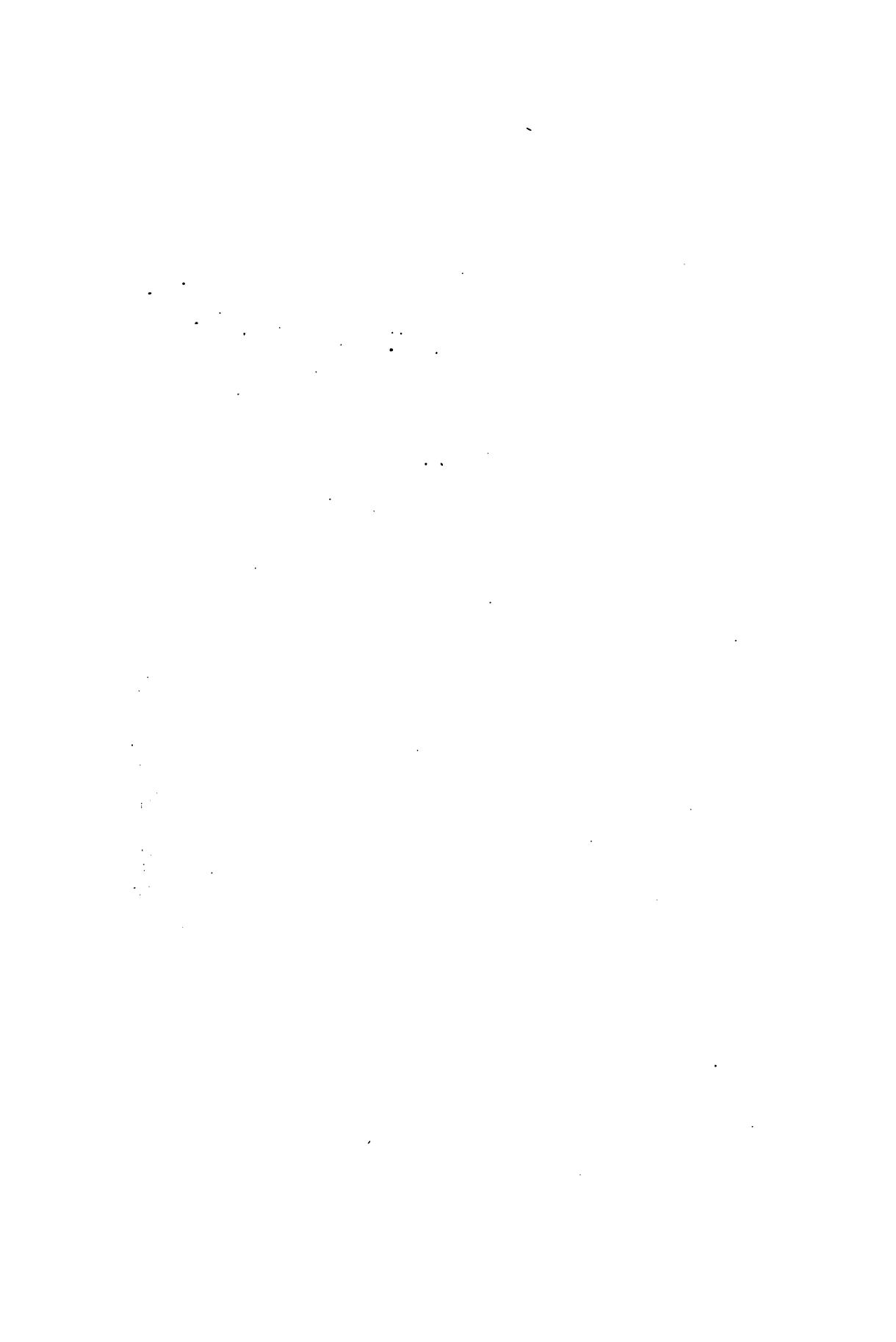
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